DOCUMENT RESUME

ED 394 859 SO 025 179

| | |
|---|---|
| AUTHOR | Focke, Anne |
| TITLE | Freedom of Expression in the Arts. |
| INSTITUTION | Arts Midwest, Minneapolis, MN. |
| SPONS AGENCY | Freedom Forum, Arlington, VA. |
| PUB DATE | Jul 91 |
| NOTE | 53p.; For related document, see SO 025 180. |
| AVAILABLE FROM | Arts Midwest, 528 Hennepin Ave., Ste. 310, Minneapolis, MN 55403. |
| PUB TYPE | Viewpoints (Opinion/Position Papers, Essays, etc.) (120) -- Reports - Descriptive (141) -- Guides - Non-Classroom Use (055) |
| EDRS PRICE | MF01 Plus Postage. PC Not Available from EDRS. |
| DESCRIPTORS | Adult Education; Advocacy; *Art Education; *Cultural Awareness; Elementary Secondary Education; *Policy Formation; *Popular Culture; Postsecondary Education |
| IDENTIFIERS | *Arts Advocacy |

ABSTRACT

This report describes the process used by the Arts Midwest task force on freedom of artistic expression along with their findings and recommendations as they examined issues surrounding freedom of expression at the beginning of the decade. At a time when the National Endowment for the Arts was struggling through rigorous congressional reauthorization, partly in response to Cincinnati's Contemporary Arts Center's exhibition of Robert Mapplethorpe's photographs, this task force employed a sense of philosophical inquiry, rather than scientific analysis, during its probing. They grew to understand that the critical need facing them was not to provide a better definition of obscenity, but rather to have a better and more expanded discussion and understanding of the conflict that occurs between the rights of the majority and the rights of the minority. A comprehensive list of recommended actions for individuals and groups, striving to reach their goal is outlined. The "Resources" section offers a directory of 47 national and midwest arts advocacy organizations. (DQE)

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Arts Midwest

# Freedom of Expression in the Arts

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"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

*First Amendment to the Constitution of the United States of America*

"The clash of ideas is the sound of freedom."

*Sign hanging on the face of Bloomington High School South, Indiana*

## Arts Midwest

# Freedom of Expression in the Arts


**Freedom of Expression Task Force**

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**Publisher**
Arts Midwest, Minneapolis

July 1991

THE FREEDOM FORUM
FREE PRESS. FREE SPEECH. FREE SPIRIT.

This project is supported by The Freedom Forum, an international organization devoted to free press, free speech and free spirit, and by Arts Midwest's members and friends.

# Foreword

The spring of 1990 was a very difficult and disturbing time for much of our country's arts community. When the Board of Directors of Arts Midwest voted unanimously to undertake the Freedom of Artistic Expression project in May of that year, we did so with a sense of urgency, hope, and determination. We believed it was time to engage in a progressive project that would examine a core principle of all creative work: freedom of expression. Given the political volatility and potential impact of current events on our region, our concern should be understandable.

On one level, the National Endowment for the Arts, long recognized as a catalytic force stimulating support for America's artistic community, was struggling through the most rigorous Congressional reauthorization process in its history. Opposition to the agency was based principally on two conceits. First, certain of the works or artists supported by the Endowment were alleged by members of Congress and others to be obscene, offensive, or both to a not insubstantial portion of our citizenry. And second, gradually emerging from that allegation was a fundamental questioning of the appropriateness of any public support for the arts. In effect, it was argued that if artwork did not meet some vague moral criteria, then it should not be supported by the National Endowment for the Arts.

While this argument continued to rage, an even more vivid and frightening, yet similarly motivated event occurred in the Midwest. Dennis Barrie, the Director of the Contemporary Arts Center in Cincinnati, was indicted by a grand jury in early April on obscenity charges stemming from the Center's exhibition of works by photographer Robert Mapplethorpe. A respected museum professional and community leader, Barrie faced a lengthy, difficult, exhausting, and expensive legal battle to prove his innocence and defend his institution's right, and the right of all museums, to exhibit artwork, even if that work represents part of our culture that is difficult for some of us to understand or even tolerate.

During our discussion of these issues (which took place, ironically, near sculptor Gutzon Borglum's Mount Rushmore studio), we recognized that as an arts community and as a nation we were involved in a debate that is fundamental to the nature of democracy. Our Board took three actions that day. We passed a resolution supporting charter-enabling legislation for the National Endowment for the Arts free of any censorship clauses. We gave our support to the Cincinnati Contemporary Arts Center and Dennis Barrie, its embattled Director. And finally, we resolved to develop a program that would foster a progressive rather than a defensive position within the arts community on behalf of freedom of expression.

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Printed in the United States of America

Arts Midwest
528 Hennepin Avenue, Suite 310
Minneapolis, MN 55403
612/341-0755

Library of Congress Catalog Card Number 91-73867

In candor, we were not certain where our efforts to develop such a program would take us, how we would get there, or who would be with us on our arrival. But within Arts Midwest's mission statement is the charge to "advance the cultural development...of the Midwest." We could not address this aspect of our mission honestly without confronting this growing and overt challenge to artistic and cultural freedom.

What ultimately evolved from our Freedom of Artistic Expression project is both a tangible and an intangible asset for Arts Midwest and our cultural community. The more tangible result of our year-long, face-to-face engagement with issues surrounding freedom of expression is the report which follows. It reflects a wide range of experiences and an equally expansive band of opinions. We have intended it to be both useful and well-used, and we hope that you find the background, testimony, bibliography, and strategies presented to be helpful.

At the same time, we recognize that the Task Force's report could be somewhat controversial. The strategies proffered, for example, will undoubtedly not be subscribed to by everyone. In fact, even individuals among Arts Midwest's own Board and staff may not fully embrace each of the report's recommendations.

This brings us to the less tangible, but no less important asset derived from this project. A sense of vigorous philosophical inquiry and probing, rather than one of scientific analysis, guided our work throughout the project. During our inquiries we learned a great deal about our society, about our rights, real and perceived, in a democracy, and about our own beliefs and feelings on this at once very personal and very public topic. We grew to understand that the critical need facing us was not to provide a better definition of obscenity, but rather to have a better and more expanded discussion and understanding of the conflict that occurs between the rights of the majority and the rights of the minority, between the viewpoint of society, and that of a dissenting—or perhaps only differing—individual within society. And we learned that what journalist Heywood Broun wrote in 1926 is still true today: "Almost nobody means precisely what he says when he makes the declaration, 'I'm in favor of free speech.'"

We have come to understand and appreciate, therefore, that seeking full consensus on this issue would be quixotic. Indeed, through the process of achieving such a regional, community, or even organizational consensus we could find ourselves circumventing the deeply rooted beliefs and values of our many project participants, partners, and supporters. That would be antithetical to the purpose of our endeavor. Instead, we are choosing to build upon the the process begun with our Freedom of Artistic Expression project Task Force, and proposing to learn, as an organization and as citizens, to better understand our dissent and to more fully value our diversity.

If we might each work toward achieving these simple, albeit not easy, objectives at every opportunity, our Midwestern cultural landscape will be significantly healthier and richer.

Thomas B. Schorgl
Chair, Board of Directors
Arts Midwest

David J. Fraher
Executive Director
Arts Midwest

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# Introduction

**"To me, art is the best argument for talking about freedom and about necessity when one does not separate the body from the spirit. In my experience, I have learned more about politics through art than through politics."**

**—Elizam Escobar, painter, poet, writer**

Arts Midwest's freedom of artistic expression project—eighteen months of meetings, writing, research, thought—is part of a necessary political education for those of us working in the arts and culture. Since controversial artworks, and public funding for them or the artists who make them, became a subject for national debate, we have of necessity been learning the basics of lobbying, undertaking voter registration drives, staging rallies. In the midst of all this activity, however, we haven't really taken the time to listen to each other, to understand what we mean when we say "freedom of expression." We've been far too busy responding and reacting to direct and implied threats to our rights or, even, to our survival.

Arts Midwest's Board of Directors, in the spring of 1990, decided to embark on a project that would assess and attempt to understand the current state of free expression in the Midwest's arts community. They hoped that a better understanding would prepare us for dealing with the next crisis, and wanted to produce a handbook that would suggest some creative, innovative responses to threats from the "outside," as well as prepare artists, artistic directors, trustees, and staff members for dealing with their own impulses to censor.

We decided to start by listening. That October, Arts Midwest's Task Force on Freedom of Expression met for the first time and began the process of listening to each other, to the dozens of artists, arts workers, and others who provided testimony during two public forums and a round-table discussion, and to experts in criticism, law, public policy. They heard from a wide variety of people and listened with respect to their thoughts on freedom of expression, censorship, self-censorship, and the value of the arts in helping us to understand these issues. This report is the result of that listening process. It is our sincere hope that by listening to one another, we can better prepare ourselves to respond to our detractors and deepen our understanding of freedom of expression.

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**"The work of the artist is to create the possibility of trust."**

**—Judith Malina, founder, The Living Theatre**

This project is also about speaking out and making ourselves heard. The voices represented in this report include those of the six Task Force members, who were appointed in the fall of 1990 to function as sounding board, advice bureau, and think tank throughout this project. It was our goal to find individuals who could represent a variety of viewpoints on this issue and bring specific kinds of expertise to the project. The people who joined the Task Force were: Peter Jacobi, a professor of journalism at the University of Indiana, media relations consultant, art critic, and current Chair of the Indiana Arts Commission; Tom Nelson, a Minneapolis attorney well-versed in First Amendment law; Alexs Pate, a writer, curator, and performance artist; Beverly Y. Suits, who has served on the boards of many Michigan arts organizations, as well as Arts Midwest's own Board; Helen Valdez, an educator, community organizer, and founding director of the Mexican Fine Arts Center Museum in Chicago; and Dora Wilson, artist, Dean of the College of Fine Arts, Ohio State University at Athens, and member of the Ohio Arts Council.

Other voices include the more than fifty individuals who called, wrote, or came in person to speak with the Task Force at one of three meetings conducted in Fargo/Moorhead, Columbus, and Minneapolis from January to March 1991. Listed at the back of this report, each one of these people gave thoughtful, insightful testimony about their own experiences with censorship, their views on freedom of speech, and their ideas on how we in the arts community can continue to address these issues.

The project facilitator, Anne Focke, provided the voice that pulls it all together. She organized and wrote the main body of the report, moderated the meetings described above, and created an atmosphere of tolerance and respect as the project participants discussed, debated, and philosophized. The clarity with which each voice is heard is due to Anne's hard work.

♞ ♞ ♞

**"...[in] the United States, people are told that we have all the freedoms. We're told this in such a deeply ingrained and early-starting way that we believe it; and in such a sophisticated way that we don't question it—until such time as, in each of our lives, we come up against the ways in which some of those freedoms may be denied us."**

**—Margaret Randall, writer, photographer**

The opening section of this report is a discussion of the First Amendment to the U.S. Constitution, a document that is always in the process of being reinterpreted and understood in new and different ways. The Task Force's understanding of the First Amendment is that it serves to protect diversity and a respect for individual voices. This section includes opinions of scholars in Constitutional law, and commentary by members of the Midwest's arts community. It also attempts to provide readers with a basic understanding of how the First Amendment has been interpreted in the courts, and how the concept of freedom of speech may (or may not) relate to the spending of public dollars.

♞ ♞ ♞

**"One museum curator remarked to me how handily protesting the threat of NEA censorship obviated paying attention to the everyday censorship that goes on in the bulwarks of culture. Every choice of an exhibition to mount or a program to perform, of course, implies a decision not to show or play something else."**

**—Paul Mattick Jr., *The Nation*, October 1, 1990**

**"Some Native artists have selected only a small piece of Native existence to make art about, having decided that to challenge the dominant white culture is not the 'Indian way.'"**

**—T'soyanaha/Richard Ray Whitman, artist**

The second section of the report focuses on how censorship works, in the experience of the artists and arts workers who responded to the following questions: "Have you encountered any specific situations where your work has been censored or your freedom of expression suppressed or threatened? Have you ever censored your own work?" We heard from painters, sculptors, photographers, curators, journalists, filmmakers, writers, state arts agency directors, performing artists, members of boards of directors, and audience members from nearly a dozen different states. They told us about their experiences as both censors and censored, and illuminated the wide variety of motives, fears, and restraints that are called into play when some individual or institution says, "No, I will not tolerate this kind of art."

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**"I will recognize that as a world citizen I embrace many aesthetics, and though I may more intensely identify with one, I will not hold that aesthetic in a superior position."**

**—Jawole Willa Jo Zollar, artistic director, Urban Bush Women, quoted in Alternate Roots newsletter, spring 1991**

**"Despite the deserved grants, I see more and more non-deserving recipients. I feel there was a time when I experienced loftier minds, relatively unloaded with politics, fashion, and chic."**

**—Helen Frankenthaler, painter, member of the National Council for the Arts**

Early on in this project, the members of the Task Force recognized that the ability of the arts community to speak out with a unified voice on censorship was threatened by several impending

schisms—between large institutions and individual artists; between artists of color and white artists who represented the avant garde; between urban and rural organizations; between board members and staff members. Throughout this report, we attempt to broaden the definition of censorship, and include not only the outright removal of artworks from public view, but also the complex of attitudes that lead to the denial of access to funding support, audiences, or legitimacy for artists of color, gays and lesbians, or practitioners of artforms that are "not fashionable" or not understandable because of cultural barriers. In this broader definition, works censored include not just Serrano, but also community-based or traditional art; not only performance art, but also gospel music, or quilting, or realist painting.

Tolerance and respect for diversity are fundamental to our understanding of the First Amendment and of the rights and responsibilities it confers on artists and "gatekeepers"—the curators, critics, funders, legislators, and others who directly or indirectly control the availability of artists' works to audiences. We gatekeepers (and all of us set up our own gates) need to constantly question the bases for our decisions—why we value one artwork or kind of art more highly than another, what confers a particular value on an object or an experience. Although the discussion within this report can only begin to address our needs for more inclusive (but no less rigorous) standards for judging art, we hope that it can provide the beginnings for further dialogue.

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**"I operate out of the assumption that I am the United States of America and that I am central to anything that is really happening in this country that is worthwhile."**

**—Bernice Johnson Reagon, founder and leader, Sweet Honey in the Rock**

**"The electoral political campaigns must include a cultural agenda, and business sectors of our communities should become a network that supports our social and cultural development."**

**—Fred Wei-han Ho, composer, musician, writer**

The third section of this report is a call to action and a list of recommendations for addressing the continuing threats to freedom of expression in the arts. We urge you to begin now, with our recommendations, develop your own strategies, and share them with us at Arts Midwest, and with others in your immediate community.

The staff and Board of Arts Midwest have begun to address these issues for ourselves. Freedom of expression is becoming a regular topic of discussion at Board meetings; we are reviewing our guidelines, policies, and procedures in order to become an organization that fosters the diversity implicit in the First Amendment; we are beginning to better understand our roles as advocates and our responsibilities as a "gatekeeper." We challenge you to do the same.

We also recognize that no one organization can address the complexities of these issues. In the final section of the report, we have included a selected list of organizations, both in the arts and outside, that can assist you in working to better understand freedom of expression. This list is by no means complete, but it begins to suggest that you, that we, are not alone. We urge you to explore new ways to bring these organizations into your work and to make use of the resources they offer.

*Jeanne Lakso, Senior Program Director*
*Arts Midwest, August 1991*

Many of the quotations in this introduction were taken from the anthology ***Reimaging America: The Arts of Social Change***, edited by Mark O'Brien and Craig Little, published by New Society Publishers, Philadelphia, PA, 1990.

# Acknowledgements

The impetus for Arts Midwest's Freedom of Expression project came from a discussion at our May 1990 Board of Directors meeting on recent events in the Midwest and nationwide. The Board recognized that, although many artists and organizations had responded with grace, creativity, and courage to recent attacks on their freedom of expression, what was really necessary was a project that would enable the arts community to prepare for action before another crisis occurred. They believed that someone needed to step back, consider these issues in the broader context, and challenge the arts community, and that Arts Midwest could perform that role. We hope this report lives up to their vision.

*Freedom of Expression in the Arts* is the result of eighteen months of planning, meetings, information-gathering, and thought on the part of many committed people, to whom Arts Midwest owes sincere gratitude. The Task Force members, Peter Jacobi, Tom Nelson, Alexs Pate, Beverly Suits, Helen Valdez, and Dora Wilson, gave generously of their time and energy throughout the project. Their contributions, and the quality and depth of their thought, are extraordinary, and have been reflected with accuracy and sensitivity by our project facilitator Anne Focke in her writing. Anne also directed the public meetings that provided us with the essential data for this report. Her devotion to freedom of expression and the power of the arts fueled this project from start to finish.

The local organizers for both public meetings did exceptional work to ensure that both sessions were well-attended by a wide variety of people; special thanks are due to Elizabeth Hannaher and Cher Hersrud of the Plains Art Museum, Fargo/Moorhead, and Ann Marie Slaughter and Lorrie Dirkse of *Dialogue*, Columbus. We'd also like to thank each local co-sponsor: the Columbus Museum of Art, the Greater Columbus Arts Council, the Ohio Arts Council, and the Wexner Center for the Arts in Columbus; and the Lake Agassiz Arts Council, the Lake Region Arts Council, and the North Dakota Council on the Arts in Fargo/Moorhead. Host sites for the meetings, the Martin Luther King, Jr. Performing and Cultural Arts Center, Columbus, and the Moorhead Public Library, Fargo/Moorhead, provided welcoming facilities for the Task Force, project staff, and those who attended the meetings.

Special thanks are due to graphic designer Stanley Wai, who contributed the elegant design for this publication. His enthusiasm for this project and his ongoing work with Arts Midwest are both greatly appreciated.

Finally, we are most grateful for the financial support of several individuals who believed in the importance of this project: the Judith and Howard D. Hirsch Foundation, Carolyn Talbot Hoagland, Bertha Masor, Judith A. Rapanos, and Leonard A. Worsek.

# The Project's Challenge

What is freedom of expression? How does the First Amendment to the U.S. Constitution apply to the arts and to artists' work and expression?

At its start, Arts Midwest's Freedom of Expression Project was not focused on questions quite this broad. Instead, it began with a deep concern for "censorship and self-censorship," for helping artists and arts organizations respond to crises surrounding the creation and presentation of controversial art. The general mood and climate within the arts community at the time (August 1990) had been very much affected by attacks on the National Endowment for the Arts and on selected artworks and artists in the Midwest, Florida, and elsewhere. "The environment is confusing and chilling," stated Tom Nelson, an attorney and member of Arts Midwest's Freedom of Expression Task Force, "and it requires us to respond, to take the offensive."

As the Task Force began deliberation, its members very quickly realized that understanding the First Amendment and defending freedom of expression encompass much more than simply responding to allegations of obscenity or defending controversial art, as important as these are. The First Amendment speaks to fundamental assumptions about the nature of our society and, by extension, to fundamental assumptions about the nature and function of art and artists within the society.

This report is not written simply as a response but as a challenge. Members of the Task Force asked that the report take the offensive and that it begin with a strong, positive statement about the value of the arts and of artists' expression within society as a whole. Around the table at their last meeting, Task Force members shared the difficult task of putting words to this assertion, and each added descriptive phrases to a working statement of the value of the arts: the arts broaden human experience, give voice to aspirations, maintain and celebrate a sense of history and tradition, teach us about ourselves, provide discipline and measures of quality, and are manifestations of human curiosity and inquiry; they entertain, educate, enrich, exalt, and provoke; **they are a basic form of human expression and are interwoven with life and the spirit.**

After these first rounds of energetic, earnest attempts at definition, Alexs Pate, a writer from Minneapolis, broke the train of thought and revealed his underlying fear of defining art at all. "All definitions of art are culturally based and are given to the discriminations and prejudices of a particular culture," he explained. The real challenge in front of us is how to develop a society accepting of many co-existing cultures. Other Task Force members agreed. Saying that "all cultures have value" won't help anyone think about the challenge and the work of building such a society. The process of building a new and more complex understanding will take a long time. Powerful divisions—folk, fine, ethnic, urban, rural—now compartmentalize the arts, and an established hierarchy orders them all.

The First Amendment itself provides a powerful framework for this report. This Amendment, with the body of law that has grown around it, protects diversity and is based on a belief that democracy relies on the participation of individuals and communities with divergent views. A vision of the arts based on the First Amendment must be an expansive and inclusive vision that encourages the acceptance and tolerance of many persuasions. However, simply saying that the arts in this country must be inclusive won't challenge the assumptions that are the real obstacles to realizing the vision and won't challenge anyone to action.

In a roundtable discussion, Chris Spotted Eagle, a filmmaker from Minneapolis, proposed to the Task

Force that the right to freedom of expression is the right to question, debate, and ridicule all beliefs. This right implies the right to challenge all standards of quality for artistic expression, and, by extension, suggests that, as Spotted Eagle stated, "respect for many standards must be nurtured." Standards of quality and the use of standards often became the focus of Task Force discussion of diversity and of its protection.

Testimony gathered throughout the project increased Task Force members' understanding of the many ways that expression can be unduly restricted—from outright removal (or censorship) to more insidious suppression that prevents expression from being heard in the first place. Censorship and suppression of valuable artistic voices and expressions "diminish us all," stated Nelson. "If we allow this pattern to continue, everyone's freedom of expression will eventually deteriorate."

Based on a growing understanding of the right to freedom of expression and of its significance, the Task Force expanded its mission to encompass both the need for a specific defense of controversial art as well as the need for a large and inclusive vision of a creative society. An inclusive vision at least must tolerate, and ideally will celebrate, widely divergent expressions. It must also protect each person's right to make choices and distinctions, to choose one expression over another. The society envisioned would encourage everyone to become comfortable with differences and would nurture curiosity about other aesthetics and about cultural expressions that lie beyond each person's own artistic and cultural boundaries.

# Freedom of Expression

## Arts and the First Amendment

Understanding the First Amendment is a good first step in formulating a defense of artistic expression and in creating a vision of a culturally diverse society based on artistic freedom. The First Amendment states:

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

"It is no accident that the First Amendment is first," stated Tom Nelson. Its position reflects the importance our nation's founders attached to it. "The First Amendment says that the minority has the right to challenge the majority and yet continue to live within the society. It's OK to disagree and on occasion even to be disagreeable. The First Amendment allows unusual, even suspect, views to exist. It allows for provocation. It assumes that challenges to the majority will make a better world and that free expression for the minority enriches the whole." Nelson also spoke to the current condition of the arts community as we struggle to increase our understanding and appreciation of this fundamental Constitutional right. "Freedom of expression is like electricity," he reminded us more than once. "We don't really notice or appreciate its presence until it begins to flicker or go out."

To function properly, democracy needs (and the First Amendment protects) diversity—many voices and many communities. The First Amendment protects the co-existence of independent communities—multitudes of divergent communities. Robert C. Post, professor of law at the University of California, points out that the Supreme Court has developed a delicate balance between the principle of preserving a neutral *public space* in which many diverse expressions provide the context for public opinion to be freely molded (an essential function of a democracy) and the opposing principle of defending independent *communities* in which values like respect for individual dignity (also essential to a democratic society) can be cultivated.

The First Amendment is a shield protecting freedom of speech, a shield under which "many types of life, character, opinion and belief can develop unmolested and unobstructed" (1940 Supreme Court decision, *Cantwell v. Connecticut*). Post said, in a recent article, "Outrageous Speech and the Constitution," (*Dissent*, Summer 1990), "The justification of this function rested upon the Court's perception of [the United States] as a land of 'sharp differences,' in which communities and cultures were labile and evolving, competing. . . for the allegiance of individual adherents." The neutrality of public space had to be protected by the state to give all communities and cultures an equal chance. Post reports: "*Cantwell* interpreted the First Amendment as establishing a level playing field, in which no particular community could use the power of the state to obtain an unfair advantage. . . by enforcing its own particular norms."

First Amendment protection of a neutral public space safeguards a sort of marketplace of ideas among the communities and cultures mentioned by Post. Further, it is assumed that in a "free marketplace of ideas" where all expression is allowed, truth will prevail, and public opinion will make its own moral distinction between good and bad. Lee C. Bollinger, Dean of the University of Michigan Law School, referred to this assumption as he testified before Congress on NEA reauthorization in April 1990. He spoke of the "profoundly important and vital principles"

embodied in the First Amendment and said:

*"Among those principles I take to be the value of tolerance: a generous and even overgenerous tolerance, a tolerance (in Holmes' words) for the speech we hate as well as for the speech we like. Out of that principle of generous tolerance, it is hoped, will come several advantages: a better chance at reaching truth and insight; a life that is fuller and richer because it possesses the possibility of moral choice, the capacity to compromise and live with difference in a political society in which compromise and living with difference are everyday needs...."*

Task Force meetings often included a call for the capacity to live with cultural and aesthetic differences. The richness of artistic expression in this country encompasses many racial and cultural differences, and, as Peter Jacobi, a journalist and Task Force member, wrote, it includes "the expression of the African American, of the Hispanic American, of the American Indian, of the Jew and Hindu, of the Asian American, of the ethnic European American. They need to express themselves for their own good and self preservation and emotional health. They need to express themselves for the good of all of us, for we are not really America unless and until that happens."

In fact, this society is even more multi-faceted. "Every community is very complex within itself," said Helen Valdez, Task Force member and Director of the Mexican Fine Arts Center Museum in Chicago. "The Mexican community is often stereotyped—its own diversity is played down by the media. Every day I fight to have my community's differences and individuality recognized and respected."

Some artists work within the norms of very specific communities. Judith Katz, Minneapolis, writes for and within the lesbian community and told the Task Force that although she often hears that there is no audience for her work, she knows differently. "There are so few novels reflecting a healthy, happy lesbian lifestyle," she said. When asked whether she wants to broaden her audience, she responded, "If only lesbians were to read me that would be great. But if more people read my book, that's even better."

Deb Wallwork, a filmmaker from Fargo, experiences daily the differences that can exist between communities and cultures. Her filmmaking has taken her into a Native American community. She spoke to the Task Force of editing the materials she takes to this community with a consciousness of and respect for the values of its Native American culture. In her own work she is most interested in cultivating a middle ground, but she is also concerned about protecting the integrity of potentially offending views. She acknowledged that much of society is uncomfortable with certain subjects and that the artists who deal with these things are the ones most likely to experience censorship. "Artists should be able to express uncomfortable things, and audiences have the right to see or not to see them," she said.

At its public meeting in Columbus, the Task Force met James Beoddy, an artist who works with themes that clearly make many people uncomfortable. An exhibition of his paintings at Ohio State University's Newark Campus in November 1990 generated terrific controversy. The paintings were accused of satanism, obscenity, and extreme violence. In his testimony he talked, among other things, of the value of this uncomfortable content:

*"I'm an outsider artist. I exist, within my own personality, so far outside the mainstream of our culture that, for the twenty years [of these paintings], I might as well have been living on Mars. If I saw one or two people a year I was doing good. Now, I'm trying to get away from that kind of life. But I'm still very remote, very detached from what real people are doing. Those are my own words, 'real people.' That's my attitude about myself 90% of the time. Most of my work is a reaction to what's going on around me, especially the feeling of being stifled by other people's points of view. At the same time, I feel there are times when somebody who's that far away from what others are doing is capable of seeing things that other people would miss or would choose not to look at. That was really the purpose of the work. In one sense it was like self-therapy for somebody who never saw another person, but in another sense it was therapy for everybody out there."*

The diversity of this country's aesthetic and cultural mix is also dependent on artists who adopt an exploratory approach to their discipline and who work with experimental forms. Skip Hunt introduced himself to the Task Force in Fargo/Moorhead as a folk artist and spoke of the need for "extremes." "Experimental forms must be nurtured and supported," he said. Although classically-based

arts organizations are experiencing healthy growth in his region, many artists are leaving the area because there isn't enough funding for experimentation. He said this is unfortunate because, "the arts need extremes to grow." Dawn Renee Jones, a writer and director from Minneapolis, went a little further and suggested that perhaps funds should be set aside specifically for "outrageous behavior." "Artists who do not fit in the traditional mold should not just be dismissed," she said. "There should be a place provided for them."

At the public meeting in Fargo/Moorhead, Tom Nelson introduced his notion of the "cringe factor"—that threshold we find ourselves crossing when we are tempted to say, "oops, not *that* far." This response is often based on a fear of or unfamiliarity with difference. Nelson challenged each of us to be wary of letting the "cringe factor" turn into censorship. Alexs Pate spoke of the need to give people courage to "go through the cringe and become comfortable with difference." He continued, "Difference shouldn't be offensive. We need to nurture the middle ground and develop understandings that support our diverse aesthetics. We need people willing to tough it out, to find out what diversity really is, because now we don't know."

### The First Amendment and Audiences

Diversity is not just a characteristic of artists and their works. At the start, members of the Task Force asked themselves, "What's at risk when freedom of expression is threatened, and who's at risk?" They were clear in their understanding that it is not only artists and arts organizations that are at risk, but arts audiences also. Not only are artists' rights and freedoms at risk, but also the rights of readers, viewers, and listeners. Freedom of speech has a corollary in the freedom to choose what speech to listen to—the "freedom to listen." The First Amendment should ensure not only that artists are able to do their work freely but also that audiences are not limited in what they can choose to experience.

At the Task Force meeting in the public library in Moorhead, Minnesota, Tom Nelson reaffirmed this concern for audiences saying, "It's not just artists' rights we're thinking of." He held in front of him copies of Henry Miller's *Tropic of Capricorn* and *Tropic of Cancer* that he had just pulled from the shelves of the Moorhead library. "Understanding historical precedent is important," he said. "These books once were banned but are now on the shelves of the library here. This notion of censorship is old news—it's just popping up in new and surprising ways. Censorship and book-banning restrict my decisions about what to read and what to appreciate; they restrict my freedom to be apprised and on occasion surprised."

The experience of libraries may be instructive for people in the arts. Librarians continually face censorship threats in many forms and are guided by a corollary to the freedom of expression, the freedom to read. Through the American Library Association (ALA), librarians in this country began, in the late 1800s, to apply the First Amendment to their activities and to approach questions of free speech or "intellectual freedom" with "the semblance of a unified voice." Since this time, the ALA Council, its Intellectual Freedom Committee, and the Office for Intellectual Freedom have promoted a variety of principles aimed at fostering a favorable climate for intellectual freedom. The introduction to the third edition of ALA's *Intellectual Freedom Manual*, published in 1989, begins with the following:

*"In basic terms, intellectual freedom means the right of any person to hold any belief whatever on any subject, and to express such beliefs or ideas in whatever way the person believes appropriate. The freedom to express one's beliefs or ideas through any mode of communication becomes virtually meaningless, however, when accessibility to such expression is denied to other persons. For this reason, the definition of intellectual freedom has a second, integral part: namely, the right of unrestricted access to all information and ideas regardless of the medium of communication used. Intellectual freedom implies a circle, and that circle is broken if either freedom of expression or access to the ideas expressed is stifled."*

Arts audiences and others who participate in the arts complete the circle with artists and arts groups. The freedom of access to the full range of artistic expression must be protected.

### Exceptions to the First Amendment Established by the Courts

First Amendment law does not protect all

expression anywhere. Limits on freedom of expression have been established over the years. Exceptions to the First Amendment include speech that threatens national security, speech deemed obscene, and speech that injures or endangers another person. While the Task Force did not hear of incidents involving questions of national security, it heard testimony about and engaged in lively discussion of both obscenity and injurious speech.

### Obscenity

The Supreme Court has determined that obscenity is not protected by the First Amendment, i.e. that obscenity is not "speech." The Court defined obscenity in the case, *Miller v. California* and ruled that to be deemed obscene, an expression must meet three tests: when taken as a whole, it must 1) appeal to the prurient interest in sex; 2) portray sexual conduct in a patently offensive way; and 3) be without serious artistic, literary, political or scientific merit.

Early in the Task Force process, members discussed the fact that much of the recent controversy over freedom of expression has focused on artwork that deals with sexuality, especially homoerotic and feminist sexuality. Charges that such work is obscene have required the arts community to learn the legal definition of obscenity and to direct considerable energy toward defending artistic expression that has sexual content. Sexuality is one of the "uncomfortable things" that artists have the right to incorporate in their work, within the constraints of the *Miller* decision. In a letter to the Task Force, Barry A. Rosenberg, Director of the Museum of Contemporary Art at Wright State University, noted, "So long as sex and politics remain important in people's lives, artists will be preoccupied with these as subjects. Responsible museums will show the best of these works, and inevitably new controversies will develop."

While acknowledging the importance of defending artwork with sexual content, Task Force members were eager to broaden the scope of their work beyond debates about obscenity. They committed themselves to finding the arguments and actions that would build connections between those taking the brunt of recent censorship attacks (gay and lesbian communities in particular) and people whose freedom of expression is restricted in other ways. For example, Task Force members expressed concern that artists of color often did not take freedom of expression to be their issue, in part because recent controversies focused so strongly on questions of obscenity. Members reported hearing from artists of color, "This is about *them*, it's not about *us*."

### Defamation and Injurious Speech

Another form of speech that is excluded from protection by the First Amendment is speech that causes harm to people, including "injurious speech," like shouting "fire" in a crowded theater, and defamation (slander and libel), that is, statements that injure or damage the well-being or reputation of someone. In this case, drawing the line between what is protected as free speech and what is not can be problematic because speech or expression that seems appropriate within one community may be experienced as threatening or injurious in another. Where the courts draw the line between "free" and "injurious" speech changes as society changes, and this constant redrawing reflects the Constitution's balancing act of both protecting freedom of expression and also protecting the norms of the independent communities that preserve each person's dignity.

Dora Wilson, a Task Force member and an artist and educator, spoke of drawing that line as she talked of what she can and cannot defend. "The heart of the matter is that we don't have the right to hurt people. That's where we have to draw the line." Task Force member Beverly Suits added, "The closest I have to an absolute principle about freedom of expression is that everything has to be applied situationally. For me the line is violence: that's hard. There's nothing wrong with saying you draw a line. You just have to keep the lines open to challenge."

The Task Force heard from artists who had experienced both sides of the line—artists whose work has offended or threatened others and artists who have experienced artwork and other forms of speech that they themselves find threatening. An example of the first came from Mark W. McGinnis, an artist living in Warner, South Dakota. In a letter to the Task Force, McGinnis described the vehemence of one person's response to a work of his, a sculptural installation titled *Third World Ties* that strongly condemned U.S. foreign policy in the

20th century. The person's objections took the form of challenges to McGinnis' professionalism, false charges of plagiarism, and "what I consider a kind of harassment" that continued over a three year period. A counterbalancing example came from writer Judith Katz who posed a question raised by "beautifully written misogyny." In evaluating its quality, she asks herself, "Does this work just offend me, or does it actually *hurt* me? These questions really count." Alexs Pate also noted that "a great feeling of powerlessness arises in the face of racist or sexist speech," and he ventured that this powerlessness comes, in part, from having no confidence that truth will actually prevail in the "free marketplace of ideas."

The difficulty of finding the shifting balance point between protecting free speech and protecting people from injurious speech can be seen in the experience of colleges that have recently passed rules to prohibit certain forms of speech on campus, specifically racist and sexist speech. For one thing, these rules risk restraining speech in advance, and First Amendment law is clear in prohibiting "prior restraint." Lawfully permitted limits can only be placed on speech after it is spoken, not before. A second observation was well articulated by William E. Kirwan, President of the University of Maryland at College Park, in an essay published in the *Washington Post* (2/16/91): "In the name of 'diversity' and 'sensitivity' universities strive for 'political correctness' and thereby compromise standards and suppress non-conforming ideas. This is a legitimate concern." And he posed a question:

*"As our society becomes more segmented by race, gender and other classifications, as our universities reach out, as they must, to incorporate segments of our population heretofore under-represented, how are we to both develop a supportive nurturing environment and avoid restrictions on freedom of expression?"*

Ira Glasser, Executive Director of the ACLU, provided one answer in an editorial in the fall 1990 issue of *Civil Liberties*:

*"There is no clash between the Constitutional right of free speech and racial equality. Both are crucial to society. Moreover, the persistent problem of racial prejudice and bigotry cannot be swept under a rug of rules that violate freedom of speech and academic freedom, which are the lifeblood of universities. Universities should go to the heart of the matter....Let them embrace as part of their role the task of educating people about the meaning of life in a pluralistic democracy. Where are the programs to teach people how to respect differences, how to appreciate each other's contributions? Universities (and the rest of us, too) ought to think about what integration means beyond the numbers. They should stop restricting speech and start* teaching. Brown v. Board of Education *gave us integration in form. Now it's time for the substance."*

The expansive cultural vision proposed by Arts Midwest's Task Force challenges the arts community to develop that substance and to build a society that lives with and appreciates cultural and aesthetic difference.

### Freedom of Expression and Public Dollars

In the arts controversies of the past several years, public support (that is, governmental funding) of specific artworks was often heatedly debated. The charge was that "the public's dollars" shouldn't be spent on artworks with "uncomfortable" subject matter as identified by various public officials, although, "of course," these officials claimed that artists were free to express anything they wanted on their own time and with their own money. Setting aside the fact that public dollars are collected from *all* members of the public (as "I am the public" buttons produced by Artist Trust in Washington State remind us), Tom Nelson told Task Force members that the Constitution provides protections against the allegations of these officials. "Funding agencies, like employers, can establish relationships 'at will,'" he explained, "but once a relationship has been established it cannot be undone for unconstitutional reasons."

Kathleen Sullivan of the Harvard University Law School, expanded on this explanation in a consensus statement prepared in 1990 by the legal task force convened by the Independent Commission on the NEA:

*"From the beginning of this century, the Supreme Court has held that government may no more bribe citizens to surrender their most precious liberties than it may compel them....To constitutional lawyers, this constraint on discriminatory funding is known as 'the doctrine of unconstitutional conditions.'*

*"As applied in the First Amendment area, the unconstitutional conditions doctrine holds that government may not grant a benefit on the condition that the recipient forego constitutionally protected expression—even if the government was free ["at will," as Tom Nelson explained] in the first place not to offer that benefit at all.... The First Amendment does not disappear just because the tax payers are paying the tab.*

*"What do these basic First Amendment principles entail for federal funding of the arts? The key point is that funding may not be withheld because of the unorthodoxy or unpopularity of the artist's message. Quite the contrary, as the Supreme Court has repeatedly stated, viewpoint discrimination in the allocation of public funds is forbidden; the First Amendment requires government neutrality and even-handedness in subsidies no less than regulation. Justice (now Chief Justice) Rehnquist recently restated this basic point: 'Congress (may not) discriminate invidiously in its subsidies in such a way as to "aim at the suppression of dangerous ideas."' 540, 548, quoting* Speiser v. Randall, *357 U.S. 513, 519 (1958)."*

Kathleen Sullivan's argument may be called into question by a Supreme Court decision delivered on May 23, 1991. In *Rust v. Sullivan* (Louis W. Sullivan, Secretary of Health and Human Services), the Court ruled that federally funded family planning clinics may be prohibited from providing any information about abortion. The decision, split five to four, upheld federal regulations that forbid these clinics from counseling women about the availability of abortion, even if the women ask for the information.

Some fear that this ruling may have a significant long-term impact on freedom of expression. For the dissenting Justices, Justice Blackmun wrote that the ruling represents the first time the Court has upheld "viewpoint-based suppression of speech solely because it is imposed on those dependent upon the Government for economic support." Ruth Marcus, writing for the *Washington Post* (May 25, 1991), noted that in this decision the Court made it clear that "the federal government has broad power, when it decides to spend money, to impose conditions on those who accept the funds. If applied beyond the abortion context, the ruling has significant implications for a panoply of government funding decisions." Marcus also quoted Kathleen Sullivan: "'This says, he who takes the king's shilling becomes the king's mouthpiece ... That really is a step backwards toward a day when the government could use its leverage to bribe people to say ... things that it couldn't bludgeon them into saying.'" Task Force member Tom Nelson commented that the direct applicability of this decision to the NEA "seems, if not clear, at least haunting."

Efforts to clarify this situation are currently under way. Thomas Birch, Legislative Counsel to the National Assembly of State Arts Agencies, issued a July 8, 1991 Legislative Memo that suggests *Rust v. Sullivan* has at best limited application to federal arts grants. Legal analysts studying the implications of this case on the National Endowments for the Arts and the Humanities have developed several arguments against *Rust's* use to restrict freedom of expression in grants from these agencies. Birch quotes these analysts: "The court's validation of restrictions on abortion in Rust simply cannot be exported wholesale to rationalize and justify the imposition of content restrictions on arts funding."

# Censorship and Suppression of Artistic Expression

As Arts Midwest introduced the Freedom of Expression Project to its constituency, both in its printed information and at its public meetings, it posed several questions. The first was:

***Have you (or has your organization) encountered any specific situations where your work has been censored or your freedom of expression suppressed or threatened? Have you ever censored your own work?***

The intention of this question was not to develop a comprehensive survey of incidents of censorship in the Midwest. Rather, the purpose was to learn about the patterns of censorship and other restrictions on free expression in the arts and to learn about the impact of these restrictions on the creation and presentation of the arts.

The project's initial focus on censorship and self-censorship was broadened by the participation of the Task Force members and through the testimony they gathered to include the suppression and marginalization of expression. From the start, members of the Task Force stressed that questions of censorship in the arts extend far beyond the outright removal of offensive artwork. Taken broadly, censorship involves much more than the removal of artwork deemed obscene, though this is a serious concern and has dominated the discussion of censorship for the past two years. At their first meeting they talked of censorship as being about control and about the elimination or suppression of ideas that threaten people in power. Censorship is often an expression of power and can be exercised in cultural, political, sexual, religious, and economic arenas.

From all the testimony and discussion, a variety of patterns emerged — patterns of ***what*** gets censored or suppressed and ***how*** the expression is restricted.

### The Kinds of Artistic Expression that Get Censored or Suppressed

***What*** gets censored is often based on content and subject matter. The Task Force observed that this often is work from communities or artists "in the margins" of mainstream culture. Artwork with sexual content is often targeted, especially homoerotic or feminist sexuality, and anything involving the politics of gender. Also frequently threatened is work deemed by others to be anti-religious or promoting the "wrong" religion, art that includes images of excessive violence, and work that is critical of U.S. government policies and practices. Examples of censorship or censorship threats based on content came from throughout the Midwest.

Madeline Murphy Rabb wrote of charges involving censorship that she had faced as Executive Director of the Office of Fine Arts in Chicago. "All of these situations were stressful," she reported, "and involved a significant amount of time and energy." Among the incidents she mentioned were:

- A poem, "Bitches' Brew," recorded on Dial a Poem, was felt to contain offensive language.
- A travelling exhibition, "What Is Native American Art?" was considered to contain the inappropriate display of sacred objects by some members of the Chicago Native American community.
- A travelling exhibit, "Diamonds Are Forever," contained a painting by Eric Fischl of a nude baseball player and a little boy. The painting was interpreted as promoting homosexuality.

In Columbus, Michael Vanderdoes described a series of incidents of attempted censorship he had faced as director of Poetry in the Parks, a program of the Columbus Parks and Recreation Department. In one incident, he was asked to

restrict, in advance, what Nikki Giovanni would present at a reading—a request, he said, that was based on someone in the Parks' office "thinking she had heard that Giovanni was a '60s activist responsible for calls to overthrow the government." In this situation, Vanderdoes stood his ground, refused to restrict Giovanni's choice of material, and found that his superior backed down.

Stuart Pimsler, a dancer and choreographer, told of the Columbus dance community's cooperative effort to raise money for A Day Without Art the previous December. Their choice of images for promotional purposes—Muybridge photo sequences of nude women, men, and children walking—generated great anxiety from some who worried about potential objections from their boards of directors of presenting nude images on a flyer "in a post-Helms, post-Mapplethorpe era."

Katherine Murphy of Moorhead, Minnesota, described a challenge that the Catholic Anti-Defamation League made to the Minnesota State Arts Board when she served on it. The League wanted the Arts Board to censor the content of a play receiving state support—*Haunted by the Holy Ghost* presented by At the Foot of the Mountain, a feminist theater collective. After months of public hearings and highly visible picketing of the theater, the Arts Board voted unanimously not to impose content restrictions and to uphold the decision of the grant panel.

Lesley Constable is the Gallery Curator at Ohio State University-Newark who invited James Beoddy to exhibit his work there. She described the intensity of the reaction to the content of Beoddy's work, captured most vividly in 40 pages of comments in the gallery guest book. The paintings generated controversy from the moment they arrived at the gallery. Although the University faculty rallied around the show and the exhibition continued as planned, Constable experienced terrific strain and often felt very much alone. On one occasion, when some of the school's patrons were in the building, the Dean of the art school closed the gallery and turned off the lights. Toward the end of the show, a representative of the League of Decency came every day to the campus and gallery, often harassing faculty and staff who had nothing to do with the exhibition.

Testimony included numerous other examples. Marty Vella, a painter from Toledo, Ohio, wrote the Task Force of the removal of one of his works (incorporating nudity and political content) from a show in a local restaurant, "at the request of some upper class matrons." Craig Billings, a sculptor from Angola, Indiana, wrote of having "a work pulled from a show because of sexual content." Mike Sutter, an art student in Fargo, North Dakota, reported being told by a superior to choose a different figure drawing for a poster he was designing, "one with less evident sexual characteristics."

As the project evolved, Task Force members worked to describe a second pattern they saw in ***what*** gets censored or what kind of artistic expression is suppressed before an audience can gain access to it. Alexs Pate described this as "art that doesn't adhere to classical Western European or Euro-American, Euro-centric art standards." Beverly Suits elaborated by adding that this is "art that doesn't meet the demand for orthodoxy." Peter Jacobi observed that typically this is expression defined by the negative, "that's *not* art." Helen Valdez added a related thought that often this is "art that dignifies undignified people." Pate pointed out that non-white communities' experience of censorship often comes from living in a society that says implicitly (and often explicitly) "your art's no good" and "your art's not really art" or "it doesn't exist." This form of suppression can be embedded in decisions about what gets funded, in what is defined as "art." While this form of restriction on artistic expression certainly affects artists of color, it affects many other artists as well.

Filmmaker Chris Spotted Eagle described this kind of restriction saying, "It's like deodorant, 'clean it up' for the dominant society." He told the Task Force of a program he produced for PBS on the sacredness of the Black Hills within his culture. After submitting his narrative to PBS, he was told that it was "offensively polemic." He told the Task Force, "It was an Indian perspective, and they didn't like that. I purposely chose not to have non-Indians speak . . . I had to rewrite it and say the same damn thing in a different way because of their intimidation. I find I'm restricting myself to what will satisfy them." Dawn Renee Jones, writer/director, added, "It was an Indian film about Indian culture. The work and art of a particular culture constantly has to bear up to the scrutiny of people outside that culture who really don't know what they're talking about."

Spotted Eagle continued, "I've decided maybe I'm not going to do Indian things any more, and it makes me want to cry. PBS did a poll of their viewers, and their viewers don't want to see Indians. Disney did a poll of *their* audience, and *they* don't want to see Indians. So, I'm starting to piece together why my proposals get shot down. At first, I took it personally. Now, I find that my subject matter isn't *popular.* I wanted to deal with hangings and how Indians have been treated badly, and so on. Now, I find myself saying, 'I don't want to do it, I want to go *main.*' For years, I've been trying to do advocacy work and cultural work, and I'm discouraged."

Other references to the need to fit established norms came up in Task Force discussion. Anne Focke, writer and Task Force consultant, noted that a strong tradition of music exploration in this country remains largely invisible because it doesn't fit within the definition of music held by a well-entrenched music establishment. Lesbian writer Judith Katz commented, "It would be so easy to slip into thinking that it would be better just to change, like, if I would just change some of my pronouns, maybe I could write an exciting heterosexual book and make a lot of money. Someone actually suggested that to one of my friends."

Examples of problems faced by people outside established norms can be found in other countries and societies as well. Helen Valdez observed, "Despite the fact that Mexico is certainly one of the most mestizo countries in the world, there was a time when indigenous people were not portrayed with dignity. And, within the chronicle of that country's images and iconography, you can actually see when these people became human beings again."

Task Force discussion of expression that gets censored (that is, primarily art in the margins and art that is not orthodox) raised in some testifiers a concern that protection of this expression could be carried to an extreme and, in turn, threaten other values. While acknowledging the need to protect freedom of expression, Anne-Marit Bergstrom, an artist and Arts Midwest Board member from Devils Lake, North Dakota, wrote to the Task Force of her fear that as we protect individual artists whose works are perceived as shocking or outrageous, we might inadvertently "shame the offended" and silence their voices. "People become shy," she wrote. "They dread having others misinterpret their attitude as a disregard for the rights stated in the First Amendment."

### The Ways that Artistic Expression Is Restricted

In articulating the patterns they observed in censorship and suppression of artistic expression, Task Force members also considered ***how*** the restrictions happen. "In thinking about these patterns," said Alexs Pate, "I think of how small it starts, how you might not notice it at first. I think of the woman we heard about who hung a picture in her apartment and the building landlord told her to take it down because it could be seen from the hallway. These things are going on all the time, and until you turn the rock over you don't see them. Incidents that seem unconnected, that *are* unconnected, don't seem to be part of a larger pattern until you start paying attention." Acts of censorship start in thousands of little decisions. Dora Wilson, a Task Force member and Dean of the College of Art at Ohio University-Athens, wrote, "I find in my own work that I make decisions that deal with freedom of expression everyday. . . . It becomes the watchword for things that I say or do or give others permission to do." With this commitment as a guide, Wilson's day-to-day decisions undoubtedly strengthen artistic freedom. Without her kind of vigilance, many little decisions can add up to censorship. Peter Jacobi warned, "Censorship is a propelling force, it feeds on itself. Let down and censorship seeps in, and then it grows and it then festers and then it poisons. One incident leads to another, and it may be quite a different one the next time. . . . When freedom is taken from an artist, it will eventually be taken from journalists, from viewers, from the rest of us."

In addition to the subtlety of *how* it can happen, the Task Force heard and talked of many ***ways*** that expression can be restricted. The Task Force heard reports of only a few examples of the actual removal of an expression after it was in place, the clearest way censorship can be exercised. Much more common were stories of threats, harassment, and a more insidious and wide-spread intimidation.

Ann Marie Slaughter, editor of *Dialogue* magazine, reported that artists and administrators in Cincinnati, "*live* with the vice squad." She told the Task Force, "Members of the police, referred to by

artists in Cincinnati as the 'vice squad,' come in and review an exhibition or a theater performance before it opens, not every time, but it *does* happen, and this has been going on for a long time. In other cities this would be a really big deal. Cincinnati artists live in a very oppressive climate. They have been living with this since before the Mapplethorpe controversy, but they continue to present their work, they continue to go on."

The recent national controversy itself (from the NEA to the court cases in Cincinnati and Florida) was identified by some as having reinforced an intimidating climate. Sculptor Mark McGinnis wrote about ways his work has been affected both by a previous incident of harassment and by "the entire national situation." "I cannot say that this has greatly changed my work. If anything it has strengthened my resolve to try to produce meaningful work." However, these circumstances did change his approach to his newest project. "This project is going to be a smaller-scale undertaking than my last works....I consciously decided to not apply for any public or private grants to produce the project but to fund it through my own finances."

Arley Curtz, Executive Director of the Wisconsin Arts Board, provided even more explicit evidence of the impact of highly visible controversies. He wrote, "I have been cautioned and even mildly threatened by a few legislators who have suggested that a repeat of the Mapplethorpe/Ohio situation had better never happen in Wisconsin or all funds would be cut."

Museum director Barry Rosenberg wrote, "I fear that because of the bad decisions made by the NEA this past year, the organization has been badly damaged, maybe even mortally. In applying for grants from now on, curators and museum directors, unable to trust in the forthright actions of the NEA, will simply not apply or worse, consider self-censorship. This is intolerable."

### Self-censorship

Self-censorship is another ***way*** that artistic expression can be restricted, and from the outset, Arts Midwest was interested in learning about its prevalence and its sources. As Rosenberg implies, an intimidating climate can be one source of self-censorship. In a letter to Arts Midwest, James Beoddy wrote of the "implied censorship and social pressure that can lead to an attitude of permanent self-censorship, an attitude I view as analogous to artistic brain damage."

Dave Wooley, Curator at the Plains Art Museum in Fargo/Moorhead, reported to the Task Force that visual artists tell him they censor themselves. "Often," he explained, " the underlying cause is money, the artist is afraid to offend, afraid the work won't sell. It's very scary." Writer Judith Katz gave an example of ways she finds herself censoring her actions. When she makes proposal and grant requests, she asks herself, "should I send something from a very obviously lesbian perspective?" In the past she has, but not any more. As Alexs Pate pointed out, patterns of censorship begin with many small decisions.

Curator Lesley Constable reported that after the intense controversy surrounding her exhibition of paintings by James Beoddy, she found herself engaged unconsciously in censoring an upcoming show. "It was another difficult one," she said. In visiting the artist's studio and identifying possible pieces for the show, she caught herself suggesting something "a little more mild." She soon "woke up" and returned to her original curatorial intentions, but the memory of her response continues to haunt her.

In his testimony at the Columbus hearing, James Beoddy raised the question of "self-censorship" from a different perspective:

*"First, I've got to tell you something about the work—it probably deserved all the irate attention that it got. But I'm an artist and a person who has spent twenty years censoring myself. In other words, the stuff they saw at Newark was only the barest symbolic representation of what I was trying to say. Like, I'm censoring myself right now. The question I'm asking is 'what is self-censorship?' I have things I'm working on at home, about this or that, like maybe about the war coming up or some other situation. I feel like I need to be restrained, like I need to be responsible to the future. Everybody kept saying, 'children shouldn't see your work.' I wasn't doing it for children. But where do you think the line should be drawn as we decide what to say, what to do about it, whether to show it, whether to keep it to ourselves, whether to burn it?*

*"I've done some public murals, and when I did them I tried to take the public into account, the people who will live with these murals. I don't really regard this as self-censorship. But, the work in this exhibit was twenty years of my own personal experience, just done by me as pure art.*

*"The question I posed about self-censorship is about the times I feel pressure, the times I restrain myself. That restraint is everyday, minute-to-minute. I don't feel like I want to or should get up in front of people and just scream about things that I don't like. I'm a real restrained person. I'm tense and responsible to the point that I'd rather not say anything than say the wrong thing."*

In some respects, Beoddy's question and the remarks he made to frame it are anticipated in First Amendment law. His was a struggle to find the delicate balance between his own right to free expression (and a democratic society's need for many diverse expressions) and the right of other individuals and of communities other than his own not to be injured by his expression.

Michael Vanderdoes related an incident that raised similar questions. In the course of his Poetry in the Parks series, he was asked to tell Allen Ginsberg not to read certain passages. While refusing to do so, Vanderdoes noted that Ginsberg himself chose to omit a few words as he read, apparently in response to the nature of the specific setting and audience, perhaps reflecting a perception of and respect for that community's norms.

In their words and actions (in the murals and in the parks reading) Beoddy and Ginsberg revealed a respect for communities other than their own. The pressure Beoddy apparently feels to restrain himself on a day-to-day basis seems appropriate, and his own words indicate that he feels his restraint is appropriate. However, the Task Force identified many circumstances when they believe that the pressures artists experience are inappropriate and restrict or suppress their expression unreasonably, perhaps unconstitutionally.

### Never Having the Chance to Speak in the First Place

The Task Force heard testimony about situations where restrictive pressures on artists stemmed from a fear of losing economic support, validation, audiences, and other resources. As importantly, they heard of situations where the restrictions came from a lack of access to these resources. Another way that artistic freedom can be restricted is never having the chance to speak in the first place.

In opening remarks at the Task Force meeting in Fargo/Moorhead, Helen Valdez summarized the Task Force's growing understanding of freedom of expression and its relationship to the questions of access:

*"We quickly came to the conclusion that freedom of expression and censorship had to be defined as broadly as possible. We came to hold a common belief that freedom of expression can be restricted in many ways, not only in outright censorship and removal, but also in quieter ways like suppression and marginalizing ideas that challenge the majority. For me personally, this was a very important leap, a connection to the communities I work for, the Mexican community in Chicago where many artists have very little opportunity to get to the table—they're just not there to be censored. It's very important that this discussion encompasses their experience. Looking at the problem of freedom of expression in this way lets us explore it further and deeper. We all agree on one thing: the test of a democracy is not that the majority gets its way but that the minority's free access to the full choice of ideas is protected along with its ability to express those ideas."*

### Gatekeepers

Access to ideas and the ability to express ideas can be restricted by people the Task Force identified as "gatekeepers." "Gatekeepers" are people in positions of authority who control access to resources—selection panelists, critics, funders, curators, boards of directors, people in the media, legislators, and so on. Because of the resources they control, gatekeepers' choices greatly affect other people's freedom to choose what to experience and what to express. David Fraher, executive director of Arts Midwest, told the Task Force at the start that Arts Midwest's Board and staff hoped, through this project, to increase their understanding of the ways—"both overt and covert"—that decision-making affects what will and will not be seen and heard. The Task Force heard specific stories about the impact of gatekeepers' decisions on artists and their work.

In her statement for this report, Helen Valdez talks of the impact of funders as gatekeepers. "The most difficult barrier that fuels covert censorship is the inequitable distribution of arts funds that literally makes it impossible for some non-white arts organizations to survive," she wrote. "For example, it is easier for a mainstream institution to receive funds to do outreach to the community we represent than for our organization [the Mexican Fine Arts Center Museum] to present and document our own culture." Speaking of the restriction and intimidation that can be exercised through the gatekeeping power of funders, Betty Fishman, at Artlink in Fort Wayne, wrote, "When applying for funding, I have been queried as to the content of the exhibition, not in terms of quality, but in terms of whether it might be inappropriate for conservative organizations to sponsor."

Critics also play a role as gatekeepers, and Tom Nelson referred to the dangerous power of their "royal flick of the wrist" that can so easily dismiss specific artwork as unimportant. Judith Katz described a play written by a friend that received an extremely negative review, and audiences were severely affected. "The critic just didn't get it," Katz said. "While women in the audience were crying, the guy [the reviewer] just didn't get what was going on. The play's language was visual, verbal, and cultural." It was the language of a culture different from the critic's. James Beoddy's testimony made it clear that the critics who wrote of his exhibition used a different set of criteria than he did. "They didn't want to ask me about the paintings," he said. "They just wanted to label them—'this is satanism,' 'that's obscenity,' 'this is pornography.' Some of the paintings were about these things. Some were about pornography. Some were about things that I regard as obscene, like excessive violence."

Dawn Renee Jones identified another set of gatekeepers, the people who make programming decisions in arts institutions, and she noted that their politics (their political standards) can often be seen in their arts decision-making. "There is an attempt in this society to separate art from the political reality of where people are here and now in America," Jones said, "but that's not really possible." She sees evidence of this in the programming of institutions that once a year do their Black show, "and it's most often something like a musical, a gospel, a tap dance, a Motown review." Armando Gutierrez, a St. Paul painter, experienced the same phenomenon and called it the "Cinco de Mayo Syndrome." "That's the time of year," he said, "when people say, 'it's time for Armando to come out again.'" Gutierrez has started turning down opportunities to exhibit his work for Cinco de Mayo. "It's frustrating when that's the only time I get called," he added.

### Majority Norms and Artistic Standards

The standards used by "gatekeepers" in these situations were the focus of considerable discussion at the roundtable session in Minneapolis. Task Force members heard many references to artists' frustration at being judged by standards not their own, by standards of a "dominant" culture that did not include them. Helen Valdez wrote of her own experience: "As I was growing up in the U.S., I could not help but notice that the Mexican culture as expressed in and outside of Mexico was either minimally presented or ignored in this country. As a high school teacher, I was well aware that the traditional curriculum trivialized not only the Mexican culture but most of the cultures of the world."

Peter Jacobi introduced a discussion of standards by suggesting, "One of the human stumbling blocks is the notion that it is a lack of quality, a lack of standards, that causes someone to turn an artist down." Tom Nelson amplified this thought saying, "A lack of understanding is often clothed in talk of quality." Armando Gutierrez, who was raised within a European cultural tradition but more recently has been engaged in "reclaiming" his Mexican heritage, told the Task Force, "European standards have been taught in America as the standard of measure." He suggested that his life experience by itself—that is, being raised in two cultures—gives him a broader base for his judgments. "People in power (the 'gatekeepers') should be sensitive to perspectives different from the ones they were brought up with. I hate to make judgments about any artwork because each has merit. When it comes to a public forum, there is an obligation to hear all the voices."

No one on the Task Force suggested denying the gatekeepers their own freedom of expression, their freedom to choose what to say, what to believe, what standards to hold. Freedom of expression becomes an issue when a single community's norms become the gatekeepers' only standard as

they exercise the power of their positions. The First Amendment acknowledges that this country is a land of many communities and cultures with divergent norms, and it aims to establish a "level playing field" for all. The diversity of this country's cultural expression is endangered when the norms of a single community control essential resources, regardless of whether (or perhaps especially when) the controlling community is in the majority.

The play by Judith Katz's friend clearly embodied the "norms" of one community, yet were judged and adversely affected, perhaps "injured," by the norms of another community. The curatorial standards used in offering Armando Gutierrez the chance to show during Cinco de Mayo reflect the norms of a majority culture, in his words, this was only an opportunity, "to be showcased for the benefit of the dominant culture." Chris Spotted Eagle clearly felt that he had to remove much of the Indian perspective from his film on the Black Hills, to "clean it up" for the PBS audience. Ben Krielkamp, a theater worker from Minneapolis, spoke up for "ordinary art." "I'm not as concerned about outrageous stuff, like Mapplethorpe's outrageous, as important as outrageous behavior is," he said. "But it *pales* in comparison to the importance of the vast amount of ordinary art that isn't outrageous but just isn't in the dominant mode, like many cultural expressions and folk art and all kinds of definitions of art. It isn't outrageous at all to quilt, to knit. The problem with the dominant culture is that it is *so* dominant. It just squeezes out everything else. There is no little corner for other opinions."

Together with participants in a roundtable discussion in Minneapolis, Task Force members concluded that the power of the majority, or "dominant," culture extends considerably beyond the imposition of narrow or singular artistic standards. This larger dominant-culture power ultimately has the result of severely and insidiously restricting freedom of expression, not only the expression of artists but of other citizens as well. Ben Krielkamp described the character of this power. "There's a big dominant thing sitting in the middle of us that really controls everything. The TV-dominant culture is really a hard thing to wrestle with. It's 'mind-control,' to use a sci-fi term," he said. In response to a question about how this affects him personally, Krielkamp answered that although he is allowed to say anything he wants, his words don't matter. He stressed that the problem is he isn't heard—the lines of communication are the problem. "The vast majority of minds in our society are controlled by the dominant message of the marketplace, by all the selling. This message is very effective. It changes what I do. I look for ways to be *as* effective, and most of the messages I come up with are not effective, so it silences me. The dominant culture says, 'you're an artist, express yourself.' It just happens that so few people are listening that it doesn't make any difference."

Picking up this theme, Judith Katz observed, "Especially since the (Persian Gulf) war began, the overwhelming sense is you can say whatever you want but you don't exist. The manipulation [during the war] was profound. I felt the message given very clearly was, 'We're not telling the truth, and we don't have to tell the truth.' There was an awful lot of permission for outrageous lying. As a writer, the war depressed me deeply. My job as an artist is to keep showing that I *do* exist, and not only do *I* exist, but, through my example, others exist too."

Peter Jacobi amplifies this theme in his position statement. "When 'majority' art becomes pervasive, the meaning of what we are is altered," he writes, and he uses an example from media, his own field, as support. "The National Commission on Civil Disorders [the Kerner Commission] charged several decades ago that 'The absence of Negro faces and activities from the media has an effect on white audiences as well as black. If what the white American...sees on television conditions his expectation of what is ordinary and normal in the larger society, he will neither understand nor accept the black American...but such attitudes, in an area as sensitive and inflammatory as this, feed Negro Alienation and intensify white prejudices.'" This is "a dangerous censorship," Jacobi concludes.

The economic system that underlies the dominant culture, "the pervasive effect of capitalism," was identified by Chris Spotted Eagle as a fundamental obstacle to the artistic freedom of his culture. "The core of capitalism is material production," he said, "and material production is totally hostile to spiritual production, to art and poetry." In the dominant culture, the idea of art is understood in terms of material things. It separates art and life, the spiritual and the material. "In our native cultures, there is no word 'art.' It's life. It's being. The separation of art and life makes it easy to

manipulate us. We're put into pigeonholes. It's very hurtful."

Krielkamp closed this particular roundtable discussion by talking of the relationship between two problems that are ultimately raised through a discussion of freedom of expression: first, the challenge of promoting multi-cultural diversity and access among all forms of expression; and second, the problem presented by the larger economic/ political system that keeps so many people poor. "They're so inter-related that they're the same," added Alexs Pate.

Mark McGinnis, writing from South Dakota, put freedom of expression in a similar context:

*"There is no freedom more necessary in a society than freedom of expression and speech. I believe that no modern society can long survive without it. The short lived authoritarian socialist regimes throughout Eastern Europe are classic examples of what happens in a social organization without freedom of expression and speech. The key role that the arts played in some of those revolutions well illustrates the point. In my Mid-America rural area this freedom is no less important. The docile population created by the abundance of consumer goods and promise of more to come is beginning to fade. The realization that the bill of the 'big-credit-card-of-consumption' is soon to come due is slowly dawning...*

*"We are entering a time when attacks on the freedom of expression will not be infrequent. There are many vested interests who will not want ideas exposed that threaten their economic and political security. There is no doubt that artists will be part of the perceived threat. In the recent past I believe artists were seen as safety valves for society to blow off steam. It was safe to support the 'avant-garde' to let this steam escape [while causing] no real damage to the structure. Now the ideas being expressed are no longer as vague and carefully put between the lines. The ideas now are clear and speak directly to the problems of society and to what can be done to begin a better direction. This will not be allowed without resistance ... It is going to be absolutely necessary for freedom of expression to prevail if we are to begin the transition to a more responsible society that we must make for the sake of future generations. I know this sounds terribly lofty, but it reflects how basic and fundamental I feel the freedom of expression is to our society."*

# Taking Action

Before presenting the actions recommended by the Task Force, it is important that readers understand an assumption underlying this report. The report is not going to some "other person," to people "on the street" who don't care about the arts, although if it gets in these hands that would be fine, too. Rather, the report is directed to ***us***, to those of us who care about the arts—artists and arts workers of every sort (in arts organizations, in the press and media, in funding agencies), both amateurs and professionals, and all of us who participate in the arts as viewers, listeners, readers, supporters, book and ticket buyers. In other words, the report is going to the "converted," to the people we fear we're always preaching to—our friends, our colleagues and mentors and students.

Through the course of its work, the Task Force came to realize that we each have much to learn and that many of our assumptions are not well grounded. We must start with ourselves. We must all help each other increase our real understanding of freedom of expression and of the way it relates to our work and to our lives. And we must keep pushing until that understanding turns into action and cooperation and strength. Actually, we have no idea how large our "converted" constituency is. We might be surprised. In any case, the best place to start is to learn from each other and to teach ourselves how to work together while accepting the differences that exist among us.

Instead of just making recommendations, Task Force members want to make challenges and stimulate action. They want responses. They'd like to know what you think and what you are doing. They want to stir things up and encourage action. They challenge each of us individually to take action and, perhaps more importantly, they challenge us to take action together.

### Exercise Your Rights

- Vote.

Betty Fishman of Artlink Contemporary Artspace, Fort Wayne, wrote: "Laws can change. It is our responsibility as citizens to maintain the original freedoms. With our voting rights we, as citizens of a 'free' country must be vigilant and elect those officials whose actions and ideas will keep us able to speak, write, and paint our minds."

- Learn your rights.

North Dakota art student Mike Sutter told the Task Force he thought he would be stronger if he were to face another censorship challenge. "I'd fight harder next time; I know more about my rights now," he said.

- Take the offensive.

Speak out. Frame the argument, don't let it be framed for you. Be prepared. "It's a constant battle to remind myself that it is very important to speak loudly," said writer Judith Katz. "My *job* as an artist is to keep putting my voice out there, as loudly as possible."

Beverly Suits put it this way: "Our role must be proactive. We cannot wait for a more appropriate time, a more respectable artist, or a more personal challenge."

- Communicate with legislators and politicians.

Meet with them. Write to them (but not *form* letters, urged Peter Jacobi). Get to know them; court them when you're not in a crisis. Become more than just a name. Convince them that *your* constituents are *their* constituents.

"Develop a one or two page paper to leave with legislators or to send as a follow-up after a meeting," suggested Arley Curtz of the Wisconsin Arts Board. The paper could deal with why it is important for government funds to go to artists, "even artists who fully exercise their freedom of artistic expression." The briefing paper could also include facts pertinent to specific topics of the day, such as the Endowment's history of funding or information about how peer panel review works in your own area or agency. Legislators are often misinformed and having factual information can be crucial.

- Educate the media and critics.

Ann Marie Slaughter of *Dialogue* magazine and the Freedom Coalition in Columbus counseled, "Don't wait for the next crisis. Now, the only time we tend to talk to the media is when we're in a crisis situation or when we want a review."

Peter Jacobi strongly agreed. "Make a practice of meeting journalists when the pressure is low," he said, "and don't just talk to reviewers or entertainment editors but also to editorial writers, city editors, education writers, and feature writers. Cultivate a better understanding of the arts by these people. Become a resource for them. Be proactive in your communications, not reactive. Use the same approach with magazines, radio and TV, public service programming, and so on."

### Take Action in a Crisis

Madeline Murphy Rabb wrote to the Task Force about the lessons she learned through direct experience with censorship challenges when she was Executive Director of the Chicago Office of Fine Arts:

*"The first reaction to most of the censorship issues is anxiety. You question what you have done wrong. In some instances, if there is advance warning, you have time to determine what is at the heart of the problem. Research the issue; retrace your steps. Were there early warning signs or red flags that you either ignored or minimalized? Communicate, communicate, communicate! The most difficult challenge is to establish a dialogue with your accuser. But, do so after you've done your homework."*

Rabb also outlined what she learned from the challenges she faced:

- Do your homework on both the issue and the accuser.
- Seek legal counsel.
- Designate a single spokesperson.
- Don't talk *too* much, particularly to the press.
- Make a serious attempt to communicate openly and honestly with your accusers to try to determine what the *real* and *hidden* agendas are.
- Be willing to consider *both* sides of the issue.
- Try to maintain a *proactive* rather than reactive stance.
- Have the *courage of your convictions*; don't be cowed.
- Know your *detractors.*
- Know your *supporters* and enlist their help *early on.*
- Recognize that no governmental decision is apolitical.
- Make sure your house is in order (consistent, written guidelines, policies, and procedures).
- Make certain that the arts community has ownership, trust, and ongoing involvement in your organization (not only when you are in trouble), for ultimately they are your best advocates.
- If the situation looks explosive, prepare your funders, board chair, etc., so they don't hear about it on the news.

Rabb also identified the mistakes she made:

- Not taking action fast enough;
- Thinking the problem will go away by ignoring it;
- Not taking the issue seriously, soon enough;
- Not seeking advice from someone sensitive to the problem but outside it; and
- Being apolitical.

In making recommendations for ways to manage the media in a crisis, journalist Jacobi emphasized actions that must be taken beforehand:

- Don't just wait for a crisis; have a crisis plan in place.
- Develop relationships with journalists when the pressure is low.
- Know the people who can help you when your story hits the paper.
- Be realistic but positive. Place the specific incident in a bigger, broader picture. Remember to put the arts in the larger context of their overall

significance in our lives. Keep our full agenda in mind, and don't simply fall into a defensive position.

### Support People Whose Freedom of Expression Is Challenged

- Establish an ongoing center to serve as a watchdog for censorship in the arts and as a resource for artists, curators, and others who face censorship crises.

Curator Lesley Constable spoke on behalf of the kind of support such a center could provide. She felt very much alone in the controversy surrounding Beoddy's exhibition and longed for someone to talk with, perhaps through a "hot line." She urged that support for people in a crisis be formalized.

A "watchdog" and support center should have a national locus but might have many offices. Such a center should be established through the cooperation of and with an understanding of the activities and resources of existing groups. (See the list of groups and resources in the appendix of this report.)

Some suggested that large organizations (with large budgets) could come together to create this center. A watchdog network could be set up through regional arts organizations with Arts Midwest acting as the "point agency."

- Establish and nurture organizations that are advocates for artists.

"Individual artists have no one to go to," said Chris Spotted Eagle. "We need an ACLU for artists, a system of administrative warriors." Helen Valdez observed that in advocacy work artists can benefit from and often need assistance from others who are not artists—administrators, educators, and other professionals. This is especially true since these artists are typically juggling the organizing work with the demands of their own art work.

### Take Action as Artists

- Use your own work to speak out against censorship.

Julia Reichert, a filmmaker from Dayton, Ohio, told the Task Force about a film she is producing that is her response to censorship and that she hopes will be used to stimulate discussion. She encouraged other artists to organize and to incorporate themes of censorship and freedom of expression in their work when appropriate.

- Create a middle ground where people can understand each other.

In Moorhead, artist Deb Wallwork told the Task Force that artists can play a valuable role by reaching out to people and by creating a middle ground. "A lot of artists are speaking to themselves," she said. She spoke of white, middle- and working-class people around her who "are just afraid because they see their world crumbling." She works to change attitudes in the middle by having respect both for these people's values and for the values of others who hold different values.

- Assume leadership positions in advocacy activities when possible.

Painter Armando Gutierrez has increasingly found himself assuming a leadership role in organizing and advocacy work. Concurrently, he finds himself struggling more and more to find time for his own artwork. "You have to do it, but you also hate to do it because it takes you away from your work."

- Continually confront the possibility of self-censorship. Talk with other artists about it.

### Take Action as Board and Staff Members of Arts Institutions

The Task Force heard and articulated many suggestions for actions that should be taken by people within arts institutions of all sorts—producing, presenting, exhibiting, and publishing. Recommendations are directed to Boards of Trustees and Directors, to executive and administrative staff members, and to curators and artistic directors.

- Accept the responsibility that comes with the power of being "gatekeepers" and with the control you exercise over other people's ability to express their ideas and culture.

❧ Put a crisis plan in place for handling a censorship threat.

❧ Develop a deeper understanding of freedom of expression in the arts by everyone involved with your institution, especially among board members. Talk among yourselves about freedom of expression and censorship. Encourage courage.

When an artist or a curator is in trouble, the first tendency is to "look up" to a superior staff person or to the Board. The Task Force heard of situations where people within large arts institutions were intimidated by the climate, were not willing to support artists, and began to make more conservative artistic choices (self-censorship). From staff members, this response often seemed to come from a fear of director or trustee opinion. Alexs Pate challenged the boards and executive staff members of institutions to develop the strength to raise money without affecting the art being presented, "without running scared."

Denny Griffith of the Columbus Art Museum recommended regular discussions at Board of Trustees meetings about freedom of expression and the ways it affects the arts, artists, and individual institutions. He suggested that administrators of large organizations work with their trustees to articulate their position on censorship, to develop opinions about it. "Typically," he said, "the way large institutions deal with censorship is by not dealing with it. Trustees would just as soon we not talk about it because it's often not in their economic or political interest."

❧ Participate in a self-examination based on the following questions. Discuss them among staff, among board members, and with your constituency or audience. Share your answers with others by returning them to Arts Midwest.

- What are the traits that characterize your standards of quality?
- How do you guard against narrow standards or culturally-biased standards?
- Are your aesthetic decision-making practices clear?
- Do outside individuals or organizations affect your organization's aesthetic decisions?
- Do your funders have a say in your artistic choices?
- Does your Board of Directors have a position on censorship?
- How would your organization face a censorship threat?

❧ Challenge yourself by presenting something from a culture or community outside your normal programming spectrum.

❧ With other arts organizations, present a year of artistic programming without constraints, a year of programming with the First Amendment as the context. Devote a year, 1995, to programs on the theme, "Living Dangerously."

### Take Action as Arts Funders and Public Agency Staff Members

❧ Adopt a "Statement of Responsibility" outlining your own policies about freedom of expression.

❧ Accept the responsibility that comes with the power of being a "gatekeeper" and with the control you exercise over other people's ability to express their ideas and culture.

Alexs Pate observed that, although administrators make many decisions that ultimately affect access, they have a tendency to hide behind the façade of neutrality. "When art is part of life," he said, "there is no neutrality." Chris Spotted Eagle added, "Public arts agencies shouldn't simply be 'jobbers'—middle-people just getting money from one side and giving it out on the other. They should stop pretending they're neutral. Arts agencies have to reach out and educate. This is for the long run."

❧ Make receipt of grants contingent on actions relating to freedom of expression and censorship.

Funding agencies could require grantees to adopt statements repudiating censorship as a condition of receiving funding. Among other things, this requirement would be one way to keep board and staff members talking about freedom of expression and of censorship.

A related example of the effects of placing contingencies on grants is provided by the Ohio Arts Council's "minority outreach" requirement. By requiring grant recipients to undertake certain activities to increase their reach into underserved populations, the Ohio Arts Council stimulated an effective educational process within institutions,



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among board as well as staff members. Arts councils and other funders might similarly institute requirements regarding censorship and freedom of expression.

- Fund exploratory, outrageous art, art in the margins, and art of many cultures and communities.

- On selection and funding panels, establish and strengthen policies of "peer review." Ensure that the merits of proposals are evaluated by peers—that is, by people of equal standing to the applicants and from within the applicants' cultural and aesthetic communities.

"Panels are where the 'rubber hits the road' in terms of access," said Alexs Pate. Sally Dixon of the Bush Foundation stressed the importance of involving peers of those being judged. "Panelists' judgments of their own peers will be much more severe than the judgments of outsiders. Questions of standards will be taken care of if the decision-making process involves people who really know the work from the inside." Funding agencies should experiment with formats and formulas, to find new systems and new ways to judge work from many cultures. "Perhaps sometime there could be an all Latino panel or an all woman panel," suggested Pate.

- Hold forums and discussions on freedom of expression within your own organization (with your staff and Boards of Directors), and then with your constituents.

Regional arts organizations, because of their multi-state Boards and constituencies, may be especially appropriate convenors for discussions of freedom of expression and the questions raised in this report.

State and local arts agencies should hold formal discussions on censorship, and each should identify a point person on the board whose job it is to keep these discussions on the agency's agenda. Agencies should re-examine their own policies and guidelines, continue this self-examination on an ongoing basis, initiate meetings and other forms of discourse on these topics, and keep freedom of expression a high priority.

- Arts Midwest should consider itself a laboratory for the ideas embodied in this report. Become comfortable talking about them. Protect and serve artists. Examine policies and practices.

### Take Action as Critics

- As a "gatekeeper," accept the responsibility that comes with the power of your position and with the control you exercise over other people's ability to express their ideas and culture. Don't assume your role is neutral.

- Foster good art, increase readers' understanding of art. Don't try to stop bad art.

Arts writers and critics should consider themselves educators in the arts in the same way that journalists consider themselves educators in political, scientific, sports, and business realms. Every story involving the arts (criticism, news, feature stories) provides an opportunity for readers to be educated and to gain a more sensitive understanding of artists and art forms.

- Articulate your own personal definition of quality and, at the same time, leave it open to challenge. Increase your understanding of the variety of criteria available to you. Look beyond standards learned in school.

- Write about arts outside the mainstream. Immerse yourself in communities other than your own. Cover community-based activities and one-time events.

- Create mentoring programs. Team up with critics from marginal communities. When you don't have the background to write about an artist, work, or body of work, acknowledge that you don't. Find someone who *does* know the work, and collaborate with him/her as a "co-critic."

- Develop and encourage informed critics within all communities.

Helen Valdez commented that while the Mexican artist community is very dynamic, it lacks informed criticism. There is a great need for criticism from people who respect the work they judge, who respect it enough to praise and criticize it responsibly. "We need criticism with the goal of improved quality, with the intention of furthering the evolution of the art and the community," she said.

### Strengthen Alliances within the Arts Community

- Build alliances around an understanding of a common interest in preserving freedom of expression.

- Counter the divisiveness that has been nurtured in the arts community.

"This crisis has polarized us," Ohio writer Charlie Einhorn stated. As an example he noted, "Art and rap communities have tended to stay separate while their attackers are unified." Peter Jacobi urged, "We must stop squabbling among ourselves; we have to work harder at not destroying ourselves."

David Mendoza, Director of the National Campaign for Freedom of Expression, wrote directly about this divisiveness in an article for *Grantmakers in the Arts*. He warned that "The undercurrents of dissent within the arts community are being used against us....We have become prey to insidious divide-to-conquer tactics." Mendoza went on to identify three of the conflicts that he sees threatening to divide the arts community today: "...the escalating ill-will in multi-cultural communities for 'cutting-edge/avant-garde' artists, and vice versa; the retreat of some large arts institutions from the defense of individual artists' freedom of expression; the romance of the rural masking a contempt for 'urban/downtown' culture (read gay/lesbian, feminist, liberal).

"We must begin a meaningful dialogue so that we can recognize and understand these conflicts among us," Mendoza concluded. Task Force members repeatedly emphasized that we must learn to accept (at least tolerate and preferably celebrate) the differences among us. As a sign hanging on the face of Bloomington (Indiana) High School South declared, "The clash of ideas is the sound of freedom."

- Build bridges between large and small arts organizations.

Jeanne Lakso, Senior Program Director at Arts Midwest, summarized some of what the Task Force heard in this regard in an interim report on this project: "The lack of institutional support, or at least the perceived lack of support, gives rise to a dichotomy between the 'haves' (opera companies, theater companies, museums, funding agencies) and the 'have-nots' (individual artists, community-based groups, and artist-run organizations). This ultimately weakens the arts community's anti-censorship stance."

- Encourage and participate in grass-roots organizing.

Organizing takes a lot of time and energy, and somebody has to be willing to have their name in the paper," said Ann Marie Slaughter. She also emphasized that her experience with the Freedom Coalition proved that they needed resources outside themselves. "We worked with the National Campaign for Freedom of Expression, who were very helpful, and we called People for the American Way. Couldn't we work closely with these groups to develop some pro-active education and better communication with the press and others?"

Charlie Einhorn found some optimism through the current controversies: "This crisis has had some positive results. There has been a grass-roots groundswell. I've seen some good political efforts and some effective letterwriting campaigns."

### Build Coalitions Beyond the Arts Community

- Join the ACLU, People for the American Way, and other organizations working to protect First Amendment rights and other fundamental rights and freedoms.

- Create alliances with other fields, for example: journalism and the media, libraries, schools and the educational system, the commercial music and recording industries, and science.

We need to organize around a common interest in preserving freedom of expression. Dora Wilson warned against talking only to ourselves: "We must draw on the resources of other communities to assist us." Yvonne Condell, a biologist, spoke to the Task Force in Fargo/Moorhead and reported that censorship happens in the sciences too. "My example is of a fine illustrator who believed in creationism." He was in the running for a job with a science publication until the supervisor was told of his beliefs.

### Foster Respect among Divergent Cultures and Communities

- Develop and strengthen a vision of a diverse and complicated society.

Task Force members stressed, "The Far Right's vision is very simple. We must counteract it with one that is complicated." Alexs Pate remarked, "It's 'versus' we're fighting." We must counter the polarizing notion of absolutes and of a single (simple) monolithic set of standards.

- Develop an understanding of the arts as a continuum. Break down the polarization of high art and popular art, of "real" and amateur art. Value arts events that have community participation.

- Encourage your own curiosity about cultures other than your own. Push yourself to the edge of the envelope of your own standards.

- Discuss Robert Mapplethorpe and 2 Live Crew in the same breath.

- Develop philosophies that underlie diversity. Respect diverse standards of excellence. Build on the power of diverse voices. Be willing to go through "the cringe" and find out what diversity really is.

- Foster the understanding that "broadening the base" is a way to protect freedom of expression. Develop training programs for arts administrators of color, like Arts Midwest's Minority Arts Administration Fellowships program. Recruit people of color to journalism and criticism.

- Learn to respect the values of people you disagree with. "Be skeptical of your own ideas," cautioned Beverly Suits. Watch for censorship from both the Right and the Left.

Cindy Phillips, an attorney who spoke to the Task Force in Moorhead, emphasized that we have a responsibility to value a spectrum of ideas. "It's easy for us to defend art by minority artists that offends the majority, but difficult the other way around," that is, to defend art by "majority" artists that offends the minority. Harold W. Kohn, Executive Director of Buskers Columbus, wrote to the Task Force: "Censorship is a two-edged sword; you cannot selectively decide who has the right to speak and who hasn't....If we must be kind to homosexuals and disabled and Afros, we must also be kind to right-wing Christians and others of their ilk."

### Improve Freedom of Expression in Education

- Develop educational materials on freedom of expression through the arts. "Censorship is very much present in the classroom," noted Helen Valdez.

- Encourage debate about freedom of expression and the First Amendment in every school.

"Teachers are constantly censored and intimidated," reported educator Sy Klineman in Columbus. "Censorship and the intimidation of teachers and students should be a topic of open and regular discussion at every school, in meetings of the administration, faculty, and parents." Freedom of expression should be a topic of discussion for parent/teacher organizations and should be part of teacher in-service training programs.

- Challenge Departments of Education to be more multi-cultural. Develop educators who understand diverse standards of quality.

Chris Spotted Eagle told the Task Force, "What people learn about art when they're children is very important. Now they learn that art is separate from everything else rather than part of the body."

- Prepare faculty members to be informed and ready to help students whose freedom of expression is challenged.

### Increase Understanding of Freedom of Expression in the Arts

- Encourage and sponsor public forums and discussions.

Task Force members found the discussion precipitated by Arts Midwest's Freedom of Expression Project to be enlightening and powerful. They urge other agencies, organizations, and individuals to initiate similar forums. "Each of us in marginalized communities needs to continually strengthen our ability to communicate among ourselves," said Alexs Pate. Task Force members

noted that discussions, salons, and councils are beginning to happen informally and recommended that some of these be more formalized. Tom Nelson added that discussions like this one should also be encouraged as a practice among those with decision-making authority. Panelists (as "gatekeepers") should be required to participate in discussions that get them to deal with unfamiliar cultures and aesthetics.

James Beoddy wrote of the value of the Task Force meeting in Columbus: "Most of all I was very gratified that such a forum existed at all. I felt this was of great benefit to my colleague, Lesley Constable, who has been drawing fire and experiencing pressure for her brave decision to exhibit my work at Newark. Currently, Ms. Constable is in the front line of this battle of ideas. I believe a lot is at stake for her. Having (arguably) helped put her in this situation I can only be glad to see that there are individuals and groups like you who will at least listen and may be able to help...if things get any tougher for her later on. Moreover, after hearing of the other horror stories told today, I don't have to feel quite so much like a reprehensible scalawag of art myself. I can almost feel like I was just doing my job as an artist."

Through forums and discussion, crises can also become opportunities. Elizabeth Hannaher, Director of the Plains Art Museum, wrote, "This debate, while divisive in many ways, has been beneficial in that it provides an opportunity to Americans to reaffirm their commitment to the First Amendment."

- Create a physical place or places that nurture freedom of expression.

Some people asked that a place be created where pople can go to learn about the First Amendment, where they can gain an idea of the full ramification of free expression in the arts.

Chris Spotted Eagle asked for "places where we can go to commiserate with other creative, spiritual people—places that would be a source of rejuvenation." Judith Katz agreed saying that places are needed "where people can get permission to keep asserting themselves and their differences."

- Commission and disseminate papers, publications, and videotapes by a variety of artists and writers.

Possible themes for such efforts emerged through this project that could be explored in more depth by other writers and artists. The impact of mass media on our freedom of expression is one example. Another may lie in Chris Spotted Eagle's remarks about the ways his freedom of expression is curtailed because of this country's commitment to the "separation of church and state," of spiritual and material, while his native culture is an expression of their integration.

- Circulate this report, and use it as a reference point for future publications that would continue the dialogue about freedom of expression in the arts, much like the American Library Association's *Intellectual Freedom Manual*, which is revised regularly as new issues arise in the field. Excerpts of this report should be published in other publications—*Dialogue, Arts Indiana, New Art Examiner.*

- Organize a region-wide conference on understanding and protecting First Amendment rights and the First Amendment and cultural diversity.

Both the planning group and the conference attendees should be diverse, including artists, curators, board members, administrators, and people who write about the arts. It should include both "gatekeepers" and those affected by gatekeepers' decisions. The conference should be task-oriented, not presentational and should include real work sessions. The product should be a statement and a new set of challenges. The conference could be turned into a town meeting or a public television show.

### Act with Courage and Vigilance

Throughout its proceedings the Task Force heard from people who emphasized the need for courage and vigilance by all of us—curators, critics, artists, boards of directors, funders, and audience members—if we are to protect our right to freedom of expression.

Deb Wallwork decided that if she had been awarded an NEA grant in 1991 (the year of the "obscenity pledge") she would not have signed, would have taken a public stand, and would have gone to court if necessary. "Artists must be tremendously strong and courageous," she said.

James Beoddy wrote to the Task Force of Lesley Constable's courage: "She spoke [at the Task Force hearing in Columbus] of feeling alone against the forces of repression and thought control. I have known both of these feelings throughout my career. I also know that without courageous and dedicated curators like Lesley, I'd never get to exhibit my work at all."

Living with the "cringe factor" takes courage. We all must work to strengthen each other's tolerance for standards not our own. We must help people co-exist with Mapplethorpe's photographs and 2 Live Crew's music even if those photographs and that music challenge the norms of their own communities. We have to find ways of countering attempts to control the expression of others and instead find ways of fostering each person's own expression. Rather than attempting to restrict or censor speech we don't like, we must make strong statements that respond to such speech and that express our own viewpoint and values.

Finally, the Task Force challenges us to remain ready and vigilant. Retaining our rights and freedoms requires constant effort and never-ending watchfulness.

# Position Statements from the Task Force

**Submitted by Peter Jacobi**

*"You mean you eat flies?" gasped Wilbur.*

*"Certainly. Flies, bugs, grasshoppers, choice beetles, moths, butterflies, tasty cockroaches, gnats, midges, daddy longlegs, centipedes, mosquitoes, crickets—anything that is careless enough to get caught...I have to live, don't I!"*

*"Why, yes, of course," said Wilbur. "Do they taste good?"*

*"Delicious. Of course, I don't really don't eat them. I drink them—drink their blood. I love blood," said Charlote, and her pleasant, thin voice grew even thinner and more pleasant.*

*"Don't say that!" groaned Wilbur. "Please don't say things like that!"*

*Yech!*

Gory, bloody, horrid stuff. Shouldn't be permitted. Slimy. Violent. Think of the impact it might have on readers.

And to make matters worse: it's for children. That E.B. White should be censored. That *Charlotte's Web* should be censored.

To each his own. To each her own.

Long-time Indiana congressman John Brademas, more recently President of New York University, says: "Totalitarian governments—like Hitler's Germany, Stalin's Soviet Union, and Deng Xiaoping's China—dictate what art and what ideas are acceptable. Governments of free peoples don't. That's the difference between us."

I'm not enraptured about some of the Mapplethorpe material, though much taken by his studies of flowers, of inanimate objects, of the human form, of celebrities. The Serrano seems like kid-cries-for-attention art. But I should have the chance to decide for myself what I see and don't. And those who shape words or visual images or music for me should have the opportunity to do so—even with the support of public funds, if acknowledged experts at the NEA in a careful system of evaluation consider the work of sufficient merit. We must remember that peer review is employed at the NEA in the grants decision making process.

When President Johnson signed the law that set up the NEA nearly a quarter of a century ago, he warned that the government should not "seek to restrict the freedom of the artist to pursue his goals in his own way."

In the year past, the Congress, if Jesse Helms had been upheld, would have become the author of our tastes, as collective guru of right and wrong, as judge of the acceptable and unacceptable. Would I have been ready for that? Would we?

Are we, as citizens and residents of this country, ready for someone to dictate?

I recall Handel's *Judas Maccabeus* transmogrified into *Wilhelm von Nassau* and *Israel in Egypt* into *Mongol Fury* during Germany's dark age. In Russia, Pasternak, Shostakovich, Prokofiev, and Eisenstein were subjected to severe pressures to bend or be broken.

Extremes these were, of course. But a road selected, a direction initiated becomes ever easier to follow.

If I want to see *The Last Temptation of Christ*, I should be able to see it. If others want to picket the theater, they should be able to picket as long as I'm

still permitted access. I should accept the pickets. They should accept me. If I want to see the Serrano exhibit, ditto.

That's the answer in my view: the marketplace.

If no one attends an objectionable exhibit or no one reads a work of dubious quality or theme, then the presenters—be they museums or theaters or publishers—get their cues and perhaps act in response. So, most likely, will artists who, as human beings, want to be accepted, too. It is we as individual consumers who should decide, but to decide there needs to be choice. I'd venture to say that our society as a cultural and intellectual hothouse of ideas requires the heat of new thoughts to be sustained, to continue to produce flowers of expression.

When I stopped reviewing the theater in Chicago, I told myself: "Thank goodness I'll no longer have to sit through overly grim, depressing, or even gross plays. I can walk out. I can even choose not to go." And so it has been. I've become more selective. But I've never even considered that such plays should not be written (with or without government funds), that they should not be produced (with or without government funds), that they should not be enjoyed or lambasted by others (with or without ticket subsidies from public funds).

Consumers aren't stupid. They can make their own valid decisions. And as for Mapplethorpe and Serrano: their future with the public will not be determined by what some might consider the sleaze factor. Neither the presence nor absence of sleaze determines artistic immortality. It's not blatant eroticism that gave permanence to *Tristan und Isolde*, or a love for pagan revelry that boosted *Rite of Spring*, or the carnal rapture of a woman for a severed head that today brings people to an opera house for *Salome*. Neither politicians nor regulators of morality nor even critics can or should determine what we see or hear or experience. We should as individuals.

"I am a man of middle life who has devoted upwards of 20 years to the practice of a profession that necessitates a daily intimacy with degenerates," wrote a physician to the newspaper after seeing *Salome* at the Metropolitan in 1907. "I say after deliberation that *Salome* is a detailed and explicit exposition of the most horrible, disgusting, revolting, and unmentionable features of degeneracy that I have ever hear, read of, or imagined."

To write so was this physician's right and privilege, extreme as the reaction might seem from the vantage point of today. To see and enjoy the opera was (and continues to be) another person's right and privilege.

Is government oversight an appropriate alternative to personal choice? Does it not threaten to become a form of indirect censorship via a developing system that rewards the safe and penalizes the not-so?

Perhaps there's a concomitant issue of whether the government should be involved in the arts at all. Senator Helms gives me pause. But then, if the general welfare is to be served, there can be no question. And if the right people—in this case the experts who are members and panelists at the NEA (or at a state agency)—are left free to do their duty, the stewardship of arts support should result, as it has, in the enhancement of the arts in this wonderful nation and, consequently, the enrichment of its citizens and friends.

That forward flow, it seems to me, must not be disturbed.

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I believe in the First Amendment. I worry about it.

When surveys suggest that the national interest is more important than the right to report a story—national interest, mind you, not national security—then I'm worried. When press access to coverage of a war exercise in Grenada is as limited as it was and virtually no one speaks up to complain—then I'm worried. These are the manifestations of an atmosphere in which our freedoms can indeed be abridged. Joe McCarthy is not dead; at least his spirit isn't; it keeps rising in new shapes.

I'm a journalist. I believe in the First Amendment.

I'm a journalist. I oppose censorship, the notion of prior restraint.

I'm a journalist. I believe the press should be a watchdog. Yes it should be watched, too, but it should be a watchdog of the institution of government. And of other institutions, I might add,



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as ombudsman for the publics which constitute our American society.

The press cannot be a watchdog, however, if the First Amendment is weakened in any way. And it is weakened whenever efforts are made to cut back on the right of people to express themselves. And that's what the NEA debacle has begun to do. That's what book bannings do. When we, as citizens, are prevented from hearing, from reading, from speaking, from experiencing, when we are limited in the sharing of others' thoughts, then we're in trouble.

Let me quote Gregory Peck, the esteemed film actor. He once said: "There is more than one way to lose your liberty. It can be torn out of your hands by a tyrant, but it can also slip away, day by day, while you're too busy to notice, or too confused or scared."

That's why every battle we wage over freedom of expression—concerning libraries or museums or the NEA—is so important.

Justice William O. Douglas as part of a Supreme Court opinion once wrote:

*Free speech has occupied an exalted position because of the high service it has given our society. Its protection is essential to the very existence of a democracy. The airing of ideas releases pressures which otherwise might become destructive. When ideas compete in the market for acceptance, full and free discussion exposes the false and they gain few adherents. Full and free discussion even of ideas we hate encourages the testing of our own prejudices and preconceptions. Full and free discussion keeps a society from becoming stagnant and unprepared for the stresses and strains that work to tear all civilizations apart.*

Now Justice Douglas did note that "when conditions are so critical that there will be no time to avoid the evil that the speech threatens, it is time to call a halt. Otherwise, free speech which is the strength of the Nation will be the cause of its destruction."

He recognized moments of "clear and present danger." But he also argued that "the command of the First Amendment is so clear that we should not allow Congress to call a halt to free speech except in the extreme case of peril from the speech itself."

Surely Mapplethorpe and company do not constitute such an "extreme case of peril." Surely a Salinger or Steinbeck or Judy Blume book in a school library does not constitute such an "extreme case of peril."

That's what worries me.

Dennis Barrie, the embattled director of Cincinnati's Contemporary Arts Center, has been speaking out on the First Amendment. Last fall he addressed a gathering of the National Assembly of State Arts Agencies. Here is some of what he said:

"I was lulled out of my complacency by an outrage, the violation of a museum."

"We faced a barrage of letters. Our board members faced bomb threats and physical threats. It was war that the other side called upon us. Our enemies generated financial, then legal threats. They wanted to make a national example of us."

"The surprise witness for the prosecution was a paid consultant for the American Family Association who had done a study on obscenity for Edwin Meese. She was called a media expert. 'I'm going to the chair,' I thought. But like in *Inherit the Wind*, she became William Jennings Bryant. She lost it."

"William Buckley told me, 'If you lose here, you'll win in Federal court.'"

"There was a bright side. Eighty one thousand people came to see the exhibit, the highest number per day in the history of our museum. Sixty to seventy percent of the population of Cincinnati supported us, according to surveys. Seventy six percent opposed the trial. This was purely a political trial."

"Fear and intimidation broke the ranks of solidarity among Cincinnati's arts institutions. We lacked support at first for our stand even from the Taft Museum and the Cincinnati Art Museum. If we don't stand together, we are lost."

"The price of freedom is high : $325 thousand in legal fees, $110 thousand in corporate donations lost. We've been excluded from plans for a new arts center, this for being too controversial."

"Fortunately, the jury, the city redeemed itself from eight months of darkness."

"There's an up side. And by that I mean not only the personal result. It's good, after all, to know that I'm not going to jail. The verdict was heard in the halls of Congress. The jurors—non-museum people all, because those were the only ones found acceptable by the prosecution—amazed us. They were able to cut through all the rhetoric and reduce the argument to one basic question: Do you believe as an adult you should be able to see and read what you want? The jurors said yes. They were 7 to 1 for acquittal in five minutes. The final juror was won over within two hours. Americans are not stupid."

"Art can be difficult, scary, what you don't want to see, but it's still art. Mapplethorpe was an artist."

"When the verdict of innocence was announced at the Cincinnati-Pittsburgh game, people cheered."

"We risked much. We lost much. We've lost much despite our victory. And the danger is we'll censor ourselves without legislation. Economic fear alone can make for self-censorship. I fear an atmosphere of 'Let's play it safe.'"

"Never again can we in the arts be so disorganized or apolitical, so timid. That made us a victim. That made the NEA a near victim."

"I've been reminded of the gap between us (in the arts establishment) and the public. We desperately need art education for people aged five to 95."

"It's been lonely."

Words to be pondered.

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The problem is multi-faceted. Censorship exists in the traditional sense, that of authorities threatening or acting to limit free expression.

Censorship also manifests itself when a majority—by design or by negligence or by pressure of the marketplace—limits the opportunity of minorities to express themselves in their own inimitable fashions.

And we have a history of such behavior. Our arts scene is the poorer for it. We are deprived of it. The dimensionality of our lives is reduced. Our understanding of self and others is severely restricted. Our society is starved. When "majority" art becomes pervasive, the meaning of what we are is altered. The late Loren Miller, who published the *California Eagle* in Watts before he became a Los Angeles municipal court judge, made the point well when he described the effect of white culture on the children of minorities this way:

*His concept of beauty is inevitably a picture of the white bathing beauty on the billboards, the white girls who find Coca-Cola so exhilarating on the television, and the beautiful white debs on the society pages. Subconsciously, he knows that his group is set aside and left out. That knowledge builds up the self-hate and self-contempt which is so prevalent in Negro life. . . .Look, we're trying a lot of good things out here—drama groups, poetry readings, touch football games—and we always ask you reporters to come out and cover them. You never do. We only see you guys when you can show us at our worst.*

Miller was commenting on press coverage, an area of particular concern to me. But that approach to life, to coverage, to opportunity envelops all that we tend to do and not do.

We must consider ways to enlarge the nation's arts scene. We must fight the censorship that leaves out the expression of the African American, of the Hispanic American, of the American Indian, of the Jew or Hindu, of the Asian American, of the ethnic European American. They need to express themselves for their own good and self preservation and emotional health. They need to express themselves for the good of us, for we are not really American unless and until that happens.

Our bigness, our mass, our educational establishment, our media all tend to consolidate, integrate, mesh, blend. In certain ways, that's good; that's beneficial. In others, it harms. Can we in the arts find ways to preserve individualism and multi-culturalism and just being different?

It becomes ever more important that we do so, or at least that we try.

What happens if we don't?

Schism. Disunity.

Let me return once more to the realm of media in

support of the point. The National Commission on Civil Disorders (the Kerner Commission) charged several decades ago that "The absence of Negro faces and activities from the media has an effect on white audiences as well as black. If what the white American...sees on television conditions his expectation of what is ordinary and normal in the larger society, he will neither understand nor accept the black American...But such attitudes, in an area as sensitive and inflammatory as this, feed Negro alienation and intensify white prejudices."

A dangerous censorship. We must consider it in our deliberations and final report. The arts, truly uncensored, can heal the schisms and strengthen the muscles of our society.

**Submitted by Beverly Suits**

The Bill of Rights is not an impenetrable wall that protects and shields us from challenges. It is, rather, like a rare flame that we must guard and protect.

Freedom is not divisible. It is impossible to have political freedom without artistic freedom. The House Un-American Activities Committee and Senator Joseph McCarthy did not distinguish between the artist and the politician. We know the names of artists, writers, politicians, diplomats and comedians who were victims during the 1930's, 40's and 50's. But what of those artists at the beginning of their careers who were never allowed to develop their talents because of harassment and intimidation? And what of the audiences – real and potential - who were never stimulated, entertained or challenged by these artists? It is impossible to measure the chilling effect of censorship and repression.

Full freedom of choice is essential. We must not let others decide what is "art" and therefore permissible and protected. All involved in the arts need to speak out when any artistic expression is attached. Our role must be pro-active. We cannot wait for a more appropriate time, a more respectable artist, or a more personal challenge. By denying others full choice, we shut down possibilities for ourselves. The challenge presented to us by the creative artist is the way we widen our world.

**Submitted By Helen Valdez**

As an arts/cultural advocate of my community, the most important issues in the area of artistic freedom of expression are the questions of access and of what criteria are used to determine excellent or quality art.

I have always been impressed by the effectiveness and power of the arts to communicate ideas and values. At the same time, as I was growing up in the U.S., I could not help but notice that the Mexican culture as expressed in and outside of Mexico was either minimally presented or ignored in this country. As a high school teacher for many years of mostly Mexican students, I was well aware that the traditional curriculum trivialized not only the Mexican culture but most of the cultures of the world. Now for the last ten years I have been closely involved with the Mexican Fine Arts Center Museum which grew out of a strong belief that a community's culture and artistic expression is one of its most precious possessions. Although the Mexican Fine Arts Center Museum over a relatively short period of time has experienced dramatic growth, there have been many barriers that we have faced, some we have been able to overcome and others still manage to keep us from participating in the arts community and from expressing ourselves freely.

The most difficult barrier which fuels covert censorship is the inequitable distribution of arts funds that literally makes it impossible for some non-white arts organizations to survive. For example, it is easier for a mainstream institution to receive funds to do outreach to the community we represent than for our organization to receive funds in order to present and document our own culture. There are many revealing statistics of local, state and federal arts agencies that should explain why many community arts organizations and artists of color did not join in the censorship issue and protest the threats to the NEA. It is true that not many artists and arts organizations receive government support and that this support which comes from government agencies is in proportion small to the actual needed funds by the support there is does not reflect the cultural diversity which comprises the society we live in today. Government funds have often served as seals of approval and have stimulated private philanthropy to give to particular projects. Yet in all of Chicago, there are very few Latino and African-American individuals

serving as Board members in private philanthropy. In our experience this lack of representation also exists unfortunately in the governmental arts agencies themselves.

Although the statistics of this inequity are discouraging, the worst barrier is the pervasive belief that there is an aesthetic criteria which embodies a great culture that must be followed and strengthened at the expense of other cultural heritages which are not as great. This is communicated to our community artists when their work is not even considered because it has an unpopular political point of view or incorporates iconography unfamiliar to the dominant culture. The Mexican Fine Arts Center Museum has experienced various attempts by individuals from the arts and donors community to marginalize the cultural expression of the Mexican community. From insulting inquiries as to what would one actually display of the Mexican culture which would be of interest to the general public to xenophobic perspectives indicating a fear of actually exposing a multicultural Mexican society without borders.

As a member of the non-white community, my interest in the First Amendment of the Constitution of the U.S. is to insist on the guarantee which I believe is implicit in this pillar of our democracy. The test of democracy is not that the dominant culture gets its way, but that every group's free access to the full choice of ideas is protected along with its ability to express those ideas.

**Submitted by Dora Wilson**

Freedom of expression has to be considered as having a broad definition. The First Amendment gives benefits to every person who is willing to stand up and take a position. It guarantees that right. It serves as a cornerstone for this nation and ensures each individual of this basic right.

It is important to understand the real issues that are involved and to know how we are affected by the issues. The issues can be broadly defined and narrowly conceived because they reach into all areas of human understanding. Indeed, we as artists must remember that these issues go far beyond the arts community. That raises the question of whether there truly is an understanding of what this all means by the public as a whole. It is tragic that the general public has not responded with outrage over the attempts of many to control certain voices. At a certain level, control involves denial. This is where denial of access or various forms of censorship comes in.

Evidence of denial of access to artistic expression is largely anecdotal. I can think of a number of instances where control or denial of access changed the climate and resulted in chilling circumstances. In each example, the people directly involved questioned their right to impose their own limitations on others. But at least they asked themselves the question. I find in my own work that I make decisions that deal with freedom of expression every day. Freedom of expression remains the guiding principle for all of these decisions. It becomes the watchword for things that I say or do or give others permission to do. I do not believe that I could have reduced my actions to this compelling common denominator without giving the issue of freedom of expression much thought. In doing so, I feel clearly and firmly rooted in my determination for right action. I can always point this out to others who question the basis for my decision. If they also give thought and careful consideration to the issue of freedom of expression then right action will follow as well.

Artistic expression represents the highest inspiration of humanity. It must be allowed to prosper and artists must continue to make significant contributions. Nothing should stand in the way of allowing artists the right to express themselves.

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# People Who Gave Testimony

**We would like to thank the following people, who provided information about their own experiences with censorship and their vision of the meaning of "freedom of expression" to the Task Force. Without them, this report could not have been written. The Task Force and the project staff applaud their acts of courage.**

**January 12, 1991**
**Martin Luther King, Jr. Performing and Cultural Arts Center**
**Columbus, Ohio**

James Beoddy, artist
Steve Bognar, filmmaker
Lesley Constable, curator/artist/writer, Ohio State University-Newark
Charlie Einhorn, journalist
Denny Griffith, Columbus Museum of Art
Guy Jones, artist
Sy Klineman, arts educator
Anthony Lauro, photographer/educator
George Meyers, writer
John Myer, Chair, Visual Arts Department, University of Dayton
Stuart Pimsler, dancer/choreographer
Glenn Ray, Martin Luther King Jr. Performing and Cultural Arts Center
Julia Reichert, filmmaker
Pat Schmucki, editor, *Columbus Alive*
John Seto, Ohio Arts Council
Ann Marie Slaughter, editor, *Dialogue*
Michael Vanderdoes, Jazz Poetry Ensemble

**January 19, 1991**
**Moorhead Public Library**
**Moorhead, Minnesota**

Lillybeth Appleton, educator
Anne-Marit Bergstrom, artist
Linda Boyd Coates, Lake Agassiz Arts Council
Yvonne Condell, biologist
Vern Goodin, North Dakota Arts Council
Elizabeth Hannaher, Plains Art Museum
Lila Hauge, North Dakota Arts Council
Katherine Murphy, Moorhead State University
Skip Hunt, folk artist
Cindy Phillips, attorney
Mark Strand, photographer
Mike Sutter, artist

Deb Wallwork, filmmaker
Dave Wooley, Plains Art Museum
Jack Zaleski, editor, Op/Ed, *Fargo Forum*

**March 16, 1991**
**Roundtable session, Arts Midwest's offices**
**Minneapolis, Minnesota**

Neil Cuthbert, McKnight Foundation
Sally Dixon, Bush Foundation
Armando Gutierrez, artist
Dawn Renee Jones, writer/director
Judith Katz, writer
Ben Krielkamp, theater worker
Chris Spotted Eagle, filmmaker

**Written testimony was received from:**

Craig Billings, sculptor, Angola, IN
Arley Curtz, Executive Director, Wisconsin Arts Board, Madison, WI
Betty Fishman, ArtLink Contemporary Artspace, Fort Wayne, IN
Jonathan Gilbert, sculptor, Columbus, OH
Diane Grams, Chicago Artists' Coalition, Chicago, IL
Harold W. Kohn, Buskers Columbus, Columbus, OH
Arlen Lazaroff, artist, Omaha, NE
Salli LoveLarkin, Cincinnati Artists Group Effort, Cincinnati, OH
George W. McCullough, artist, Fort Wayne, IN
Mark W. McGinnis, artist, Warner, SD
William Messer, Coalition of Indianapolis Artists, Indianapolis, IN
Richard Muhlbradt, Minot Chamber Chorale, Minot, ND
Gene Porter, art educator, Fort Wayne, IN
Madeline Murphy Rabb, artist/arts consultant, Chicago, IL
Barry Rosenberg, Director, Museum of Contemporary Art, Wright State, Dayton, OH
Pat Spinosa, a. ist, Menomonie, WI
Marty Vella, artist, Toledo, OH

# Selected Bibliography


### Books and Pamphlets

American Civil Liberties Union, Department of Public Education. ***Bibliography on the Bill of Rights***. Extensive listing of books, audio-visual materials, and educational materials on constitutional rights. ACLU,132 West 43rd Street, New York, NY 10036 (212/944-9800).

American Library Association, Office of Intellectual Freedom. ***Intellectual Freedom Manual***. Chicago: American Library Association, 1990.

Marsh, Dave. ***Fifty Ways to Fight Censorship***. New York: 1991. Thunder's Mouth Press, 54 Greene Street, 4S, New York, NY 10013 (212/226-0277).

***You've Got a Right to Rock***, Rock & Roll Confidential, Los Angeles: 1990.

### Articles

#### Legal and Public Policy Issues

American Civil Liberties Union. ***"Freedom of Expression."*** ACLU Briefing Paper #10, 1991. Available from the ACLU, 132 West 43rd Street, New York, NY 10036.

Bollinger, Lee. ***"Limiting Subsidies for the Arts."*** Another View, *Detroit News*, May 17, 1990.

Glasser, Ira. ***"Fighting Bigotry, Preserving Freedom."*** *Civil Liberties*, Fall 1990.

Glueck, Grace. ***"Art on the Firing Line."*** *The New York Times*, July 9, 1989.

Independent Commission on the National Endowment for the Arts, Legal Task Force. ***"Consensus Statement."*** Members of the Legal Task Force were Floyd Abrams of Cahill, Gordon & Reindel; Professor Michael McConnell of the University of Chicago Law School; Professor Henry Monaghan of the Columbia University Law School; Theodore Olson of Gibson, Dunn & Crutcher; Dean Geoffrey Stone of the University of Chicago Law School; and Professor Kathleen Sullivan of Harvard University Law School. Available from the Independent Commission, 441 F Street NW, Room 305, Washington, DC 20001.

Licata, Elizabeth. ***"A Chronology of Actions, Protests, Lawsuits, Trials, Censorship, and the NEA."*** *High Performance*, Winter 1990.

Mattick, Paul Jr. ***"Arts and the State: The NEA Debate in Perspective."*** *The Nation*, October 1, 1990.

Post, Robert C. ***"Outrageous Speech and the Constitution."*** *Dissent*, Summer 1990.

Sievers, Bruce. ***"Pressures on the Arts: Ideology, Money, Politics."*** *Grantmakers in the Artts Newsletter*, Chicago: March 1991.

Sullivan, Kathleen. ***"A Free Society Doesn't Dictate to Artists,"*** Op-Ed page, *The New York Times*, May 18, 1990.

Thomas Jefferson Center for the Protection of Free Expression. ***"Public Attitudes Toward Censorship and Free Expression."*** Survey available from the Jefferson Center, 400 Peter Jefferson Place, Charlottesville, VA 22901 (804/295-4784).

***"Debate: The Arts and Public Funding."*** Sig Mickelson, moderator; Dr. Earnest van den Haag, Heritage Foundation; Jerry Allen, Yerba Buena Gardens Cultural Center; Michael Hudson, People for the American Way; Jonathan Katz, National Assembly of State Arts Agencies, *Connections Quarterly*; National Assembly of Local Arts Agencies, Washington DC: September 1990.




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***"Of free speech and arts funding: Bollinger testifies before Congress on NEA reauthorization."*** *Law Quadrangle*, The University of Michigan Law School, Vol.34, No.3, Fall 1990.

**Obscenity: Legal and Personal Definitions**

Curriden, Mark. ***"But Is It Art? How sexually explicit can an artist be and not violate the law?"*** *Barrister Magazine*, Winter 1990-91.

Hyde, Lewis. ***"The Freedom to Talk Dirt."*** *The Kenyon Review*, Fall 1990.

Kastor, Elizabeth. ***"Obscenity and the Eye of the Beholder: Interpreting the Helms Amendment."*** *Washington Post*, July 19, 1989.

Kramer, Hilton. ***"Is Art Above the Laws of Decency?"*** *The New York Times*, July 2, 1989.

Leavitt, David. ***"Fears that Haunt a Scrubbed America."*** *The New York Times*, August 19, 1990.

Nahmod, Sheldon H. ***"Artistic Expression and Aesthetic Theory: The Beautiful, The Sublime and The First Amendment."*** *Wisconsin Law Review*, 1987:221.

***"Caution: This Art May Offend."*** Directors of six major arts organizations list historical works considered offensive, *The New York Times*, August 1989.

***"Obscenity: What the Supreme Court Says."*** *Art News*, October 1989, excerpted and adapted from *Art Law: The Guide for Collectors, Investors, Dealers, and Artists*, by Ralph Lerner and Judith Bresler. Published by Practicing Lay Institute (New York, 1989) copyright PLI 1989. All rights reserved.

***"What is Pornography?"*** Personal opinions from John Baldessari, Mary Schmidt Campbell, Robert Rauschenberg, William S. Burroughs, William F. Buckley, Jenny Holzer, Benny Andrews, Daniel Patrick Moynihan, and others; *Art News*, October 1989.

**Arts and Cultural Diversity**

Barrett, Terry. ***"Talking About Art."*** *Arts Advocate*, The Ohio State University, Spring 1990.

Burnham, Linda. ***"Evaluating Art: Some Considerations."*** *CrossCurrents*, National Assembly of Local Arts Agencies, Washington: September 1990.

Gomez-Peña, Guillermo. ***"Glasnost is the Opposite of Censorship: State of Emergency."*** *NAAO Bulletin*, Winter 1990.

Haddock, Mable. ***"The Dilution of Diversity."*** *Dialogue*, Columbus: July/August 1990.

Koelsch, Patrice. ***"Notes Toward the Development of Multicultural Critical Forms."*** *Public Art Review*, Minneapolis: Fall/Winter 1990.

Lee, Suzanne and Robert Lee. ***"Arms Length: A Policy Blueprint for the U.S.?"*** *Artspiral*, Asian American Arts Center, New York: Fall 1990.

Mendoza, David. ***"Fighting Back/Fighting Among Ourselves."*** *Grantmakers in the Arts*, Chicago: March 1991.

Muni, Kai. ***"Viewpoint: The Business of Silence."*** *Chicago Artists' News*, November 1990.

Pindell, Howardena. ***"Breaking the Silence."*** *New Art Examiner*, two-part article, October 1990 and November 1990.

Smith, Barbara. ***"The NEA Is the Least of It."*** *MS. Magazine*, November/December 1990.

**Controversial Art and Funders**

Bailey, Anne Lowrey. ***"Some Foundations and Other Private Grant Makers Now Rethinking Their Stances on Financing Controversial Art."*** *Chronicle of Philanthropy*, November 28, 1989.

Bailey, Anne Lowrey. ***"Crises Test Trustees."*** *Chronicle of Philanthropy*, January 29, 1991.

Bass Jacquelynn. ***"Let's Spend Less Time Whining and More Time Listening."*** *Museum News*, November/December 1990.

Lindbom, Lance E. ***"Has Fear of Losing Government Largess Made Us Afraid to Oppose Censorship?"*** *Chronicle of Philanthropy*, September 5, 1989

McGinnis, Mark W. ***"Banning U.S. Aid for 'Obscene' Art Is Sure to Stifle Freedom of Expression."*** *The Chronicle of Higher Education*, August 9, 1989.

# Resources

## National Advocacy Resources

**Alliance for Cultural Democracy**
521 Harold Ave NE
Atlanta, GA 30307
404/377-9748

Works for the achievement of cultural democracy. Produces publications, workshops, and periodic conferences. Individual memberships are available.

**American Arts Alliance**
1319 "F" Street NW Suite 500
Washington, DC 20004-1151
202/737-1727

Represents major museums, dance and opera companies, performing arts presenters, orchestras, theaters and service organizations. Helps shape national arts agenda.

**American Association of Museums**
1225 Eye Street NW, #200
Washington, DC 20005
202/289-1818

Professional membership organization for museums and museum professionals; publishes magazine, *Museum News*, monthly newsletter, *Aviso*, hosts annual conference.

**American Association of University Professors (AAUP)**
1012 14th Street NW, #500
Washington, DC 20005
800/424-2973

A professional association for college and university faculty; maintains an academic freedom division.

**American Civil Liberties Union (ACLU)**
132 West 43rd Street
New York, NY 10036
212/944-9800

Provides free legal representation on issues of censorship through a new Project on Freedom of Artistic Expression. Publishes quarterly newsletters, briefing papers (including a 1991 report on Freedom of Expression), public policy reports, books on the history of civil liberties. Also provides bibliographies of books, audio-visual materials, and educational materials (including curricula) on civil liberties (including First Amendment rights). Regional chapters are listed under their own heading.

**American Council for the Arts (ACA)**
1285 Sixth Avenue, 3rd floor
New York, NY 10019
212/245-4510

A membership organization that monitors legislation affecting the arts and artists, sponsors National Advocacy Day. The American Council for the Arts is one of the nation's primary sources of legislative news affecting all the arts, and it serves as a leading advisor to arts administrators, educators, elected officials, arts patrons and the general public.

**American Library Association (ALA)**
50 East Huron Street
Chicago, IL 60611
312/944-6780

Maintains an Office of Intellectual Freedom, publishes the *Intellectual Freedom Manual*, which details the American Library Association's historical positions on library materials and the First Amendment, and provides advice on policy development, advocacy and crisis management techniques for librarians and library board members.

**The Association of American Cultures (TAAC)**
1225 19th St. NW Suite 340
Washington, DC 20036
202/463-8222

A membership organization composed of a cross-section of African American, Asian American, Native American, and Hispanic American artists and representatives of multicultural arts organizations. TAAC advocates nationally for arts issues related to cultural equity and diversity. Produces newsletter, operates resume service, hosts biannual national conference focusing on multiculturalism in the arts; the next Open Dialogue conference will be held in 1992. Individual and organizational memberships are available.

**Center for Constitutional Rights**
666 Broadway
New York, NY 10012
212/614-6464

**Chicago Artist's Coalition**
5 W. Grand Avenue
Chicago, IL 60610
312/670-2060
Contact: Diane Grams

Documents censorship incidents nationally; moving force behind the Committee for Artists' Rights. The Coalition publishes a monthly newsletter which tracks censorship incidents in the Midwest and nationally.

**Coalition of Writers' Organizations**
72 Spring Street, #301
New York, NY 10012
212/226-3586

Association of literary organizations concerned with advocacy and shaping arts policy.

**Freedom Forum**
1101 Wilson Boulevard
Arlington, VA 22209
703/284-2802

The Freedom Forum is dedicated primarily to supporting national and community programs that foster the First Amendment freedoms of press, speech, assembly, petition and religion, and the free exercise of these freedoms by and for all peoples. Please request a copy of their current guidelines before proceding with any proposals.

**J. Roderick MacArthur Foundation**
9333 North Milwaukee Avenue
Niles, IL 60648
708/966-0143

The Foundation seeks to aid those who are inequitably or unjustly treated by established institutions, by protecting and encouraging freedom of expression, human rights, civil liberties, and social justice; and by eliminating political, economic, social, religious, and cultural oppression. The Foundation provides grants only to nonprofit, tax-exempt 501 (c)(3) organizations. Please request and carefully read the Foundation's guidelines before proceding with any proposals.

**Meet the Composer, Inc.**
2112 Broadway, #505
New York, NY 10023
212/787-3601

National service organization for American composers; has been active in addressing both freedom of expression issues and advocacy for artists' rights.

**The Musical Majority**
c/o The American Civil Liberties Union
132 West 43rd Street
New York, NY 10036
212/944-9800

Coalition of civil libertarians, musical artists and industry executives, and concerned citizens dedicated to the preservation of free expression in the music industry, formed in 1985 in response to the Parents Music Resource Center's campaign to restrict sales of recordings deemed to be "obscene."

**National Artists' Equity Association**
P.O. Box 28068
Central Station
Washington, DC 20038
202/628-9633

Advocacy and services for visual artists, with a membership of over 2,500 artists. Main lobbying force behind passage of the 1990 Visual Artists Rights Bill.

**National Assembly of Local Arts Agencies (NALAA)**
1420 K Street NW Suite 204
Washington, DC 20005
202/371-2830

NALAA is a nonprofit organization dedicated to strengthening and enhancing local arts agencies. In August 1990, their Board of Directors adopted a Policy Statement on Freedom of Expression and Grantmaking that cogently states the Assembly's official position this subject. NALAA publishes a newsletter, *Connections Quarterly.* The June 1991 issue focuses on censorship, and features articles on recent censorship incidents, and a survey of NALAA member organizations on censorship.

**National Association of Artists' Organizations (NAAO)**
918 "F" Street NW
Washington, DC 20004
202/347-6350

National membership association for arts organizations run by and for artists; publishes newsletters, updates, holds biannual conference. Active advocates for freedom of artistic expression and artists' rights. The NAAO *Bulletin* has provided the most comprehensive and timely information on late-breaking news from Washington and within its membership, which includes such organizations as the Washington Project for the Arts, Artists Space, and Centro Cultural de la Raza. NAAO works closely with the National Campaign for Freedom of Expression in developing its members' political awareness and lobbying skills. Staff from NAAO was instrumental in shaping less restrictive language for reauthorizing the NEA. Individual and organizational memberships are available.

**National Campaign for Freedom of Expression**
P.O. Box 50245, F Street Station
Washington, DC 20004
202/393-2787 or 206/467-6128 (Seattle office)

Coalition of artists, organizations and individuals that aims to protect the First Amendment and freedom of expression through education, litigation, grassroots organizing, and lobbying. Chapters across the USA. Publishes a newsletter; currently pursuing lawsuit on behalf of the "NEA Four" (artists Karen Finley, Tim Miller, John Fleck, Holly Hughes), with attorneys from their own Legal Defense Team, the ACLU and the Center for Constitutional Rights. Individual memberships are available.

**National Coalition Against Censorship**
2 West 64th Street
New York, NY 10023

Alliance of national organizations, including religious, educational, professional, artistic, labor, and civil rights groups committed to educating their own members about the dangers of censorship and how to oppose it. Selected member organizations include Actors' Equity, the American Library Association, the Association for Supervision and Curriculum Development, the Authors League of America, the Directors Guild of America, the Modern Language Association, PEN American Center, the Screen Actors Guild. Conducts meetings to discuss First Amendment issues, collects and disseminates information about censorship efforts, serves as national clearinghouse on book-banning litigation in public schools, publishes quarterly newsletter. Individual memberships are available.

**National Gay and Lesbian Task Force**
1734 14th St. NW
Washington, D.C. 20009
202/332-6483

Advocates on behalf of lesbians and gay men; including censorship issues.

**People for the American Way**
2000 "M" Street NW #400
Washington, D.C. 20036
202/467-4999 or 800/326-PFAW

Constitutional liberties organization, advocates for freedom of expression; provides legal and technical assistance. Chapters in California, North Carolina and Florida. Recently conducted a survey called *artsave* detailing recent or ongoing efforts to restrict artistic expression natiowide, and instituted a special staff liason for freedom of expression in the arts. Individual memberships are available.

**Student Press Law Center**
1735 Eye Street NW, Suite 504
Washington, DC 20006
202/466-5242

Assists students (particularly secondary school) in cases involving the First Amendment and student newspapers.

**The Thomas Jefferson Center for the Protection of Free Expression**
400 Peter Jefferson Place
Charlottesville, VA 22901
804/295-4784

Conducts research and education on free expression, free speech forums, support of First Amendment litigation through amicus curiae briefs and expert testimony.

## Statewide and Local Arts Advocacy Organizations

**Illinois Arts Alliance Foundation**
67 East Madison, Suite 21B
Chicago, IL 60603
312/855-3105
Alene Valkanas

**Center for Arts Advocacy**
861 W. Wrightwood
Chicago, IL 60614
312/472-2124
Thomas Tresser

**Indiana Advocates for the Arts**
PO Box 441250
Indianapolis, IN 46244
317/638-3984
Myrna Trump

**Iowa Arts Coalition**
624 5th Street SE
Cedar Rapids, IA 52401
319/398-5322
Anne Bergren

**Concerned Citizens for the Arts of Michigan**
350 Madison Avenue, Suite 503
Detroit, MI 48226
313/961-1776
Marilyn Wheaton

**Minnesota Citizens for the Arts**
708 N. First Street, Suite 235D
Minneapolis, MN 55401-1145
612/338-2970
Pam Perri

**North Dakota Arts Alliance**
PO Box 2292
Bismarck, ND 58502

**Ohio Citizens Committee for the Arts**
1001 Market Avenue North
Canton, OH 44702
216/455-4409
William Blair

**South Dakotans for the Arts**
PO Box 472
Deadwood, SD 57732
605/578-1783
Janet Brown

**Wisconsin Citizens for the Arts**
P.O. Box 1812
Madison, WI 53701
608/251-0471
Sue Kaestner

## American Civil Liberties Union State and Local Chapters

**Illinois**
Jay Miller
20 E. Jackson Boulevard,.Suite 1600
Chicago, IL 60604
312/427-7330

**Indiana**
Michael Lee Gradison
445 North Pennsylvania Street, Suite 911
Indianapolis, IN 46204-1883
317/635-4056

**Iowa**
Cryss D. Farley
446 Insurance Exchange Building
Des Moines IA 50309
515/243-3576

**Michigan**
Howard Simon
1249 Washington Boulevard, Suite 2910
Detroit, MI 48226-1822
313/961-4662

**Minnesota**
Tim Wierzbicki
1021 W. Broadway
Minneapolis, MN 55411
612/522-2423

**North Dakota**
Jane Summers
1318 Pocatello Drive
Bismarck, ND 58501
701/255-3421

**Ohio**
Christine Link
1223 West 6th Street
Cleveland, OH 44113
216/781-6276

360 South Third Street, Suite 310
Columbus, OH 43215
614/228-8951

411 Oak Street, Suite 304
Cincinnati, OH 45219
513/961-5566

**South Dakota**
Michael and Karen Crew
Crew & Crew
Box 923
Sioux Falls, SD 57101
605/335-5561

**Wisconsin**
Eunice Edgar
207 E. Buffalo Street, # 325
Milwaukee, WI 53202
414/272-4032

For information on other state ACLU chapters, contact the American Civil Liberties Union, 212/944-9800.

## Volunteer Lawyers for the Arts Midwest Regional Chapters

**Lawyers for the Creative Arts**
623 South Wabasha Avenue
Chicago, IL 60605
312/427-1800
Joan Kurlan, Executive Director

**Minnesota Volunteer Lawyers for the Arts**
c/o Fred Rosenblatt
100 South 5th Street, Suite 1500
Minneapolis, MN 55402
612/337-1500
Fred Rosenblatt

**Volunteer Lawyers and Accountant for the Arts Programs**
c/o Cleveland Bar Association Mall Building
118 St. Clair Avenue
Cleveland, OH 44114
216/696-3525
Susan Stevens Jaros

**Cincinnati Area Lawyers and Accountants for the Arts**
University of Cincinnati, ML003
Cincinnati, OH 45221
513/475-4383

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